

State of Haryana etc.

Vs

Krishan Lal Sehgal & Ors. etc.

(K. Venkataswami, V.N. Khare JJ)

03.09.1997

JUDGMENT

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K.VENKATASWAMI. J.

1. Substitution allowed.
2. Special leave granted in SLP (C) No. 22356/94.
3. In all these appeals a common question of law arises. As a matter of fact the main judgment was given by the High Court of Punjab and Haryana in C.W.P. No. 12969/91. The common issue agitated before the High Court was whether the respondents were entitled to parity of scales of pay with those of their counterparts in Rural Community Theatres.
4. In the view we propose to take after hearing counsel for the parties, we do not think it appropriate or necessary to set out in detail the facts and discuss on merits. Hence this brief order.
5. Before the High Court the respondents, members of Drama Parties (Actors, Stage Masters, Harmonium Masters and Tabla Masters) claimed parity of scales of pay with those of such Artists employed in Rural Community Theatres on the ground that the nature of work, duties and qualifications of members of Drama parties and members of Rural Community Theatres are similar. Though it was contended on behalf of the appellants (respondents before the High Court) that the mode of recruitments, duties, minimum qualifications are quite different between the two parties, it does not appear that the same was substantiated by producing the relevant materials. The High Court on the basis of the arguments advanced and the materials placed before it came to the conclusion that the respondents are entitled to pay the parity of scales of pay with those of their counter-parts in Rural Community Theatre.
6. Aggrieved by that, the present appeals are filed.
7. At the time of issuing notice in SLP arising out of Civil Appeal No. 3956/92 this Court on 20.8.92 inter alia has stated as follows :

"The petitioner is permitted to file an additional affidavit giving particulars on the basis of which the petitioner disputes the respondents' claim for parity within two weeks. Counter, if any, be filed within a week thereafter".
8. Accordingly, the appellants have filed additional affidavit on 2.9.92. From the paper book it does not appear that the respondents have filed any counter to this additional affidavit.

9. After hearing counsel on both sides, we feel that in the light of the additional affidavit filed by the appellants, the issue requires further consideration by the High Court. In the absence of any counter to the additional affidavit by the respondents herein, we could not proceed further to decide the matter finally.

10. Accordingly, we set aside the orders of the High Court in all the appeals and remit the matters back to the High Court for fresh hearing and decision in accordance with law. Liberty is given to both parties to file their additional affidavits/documents, if any, before the High Court. The appeals are accordingly disposed of. No Costs.