

PETITIONER:
STATE OF HARYANA ETC.

Vs.

RESPONDENT:
KRISHAN LAL SEHGAL & ORS. ETC.

DATE OF JUDGMENT: 03/09/1997

BENCH:
K. VENKATASWAMI, V.N. KHARE

ACT:

HEADNOTE:

JUDGMENT:

THE 3RD DAY OF SEPTEMBER, 1997

Present:

Hon'ble Mr. Justice K. Venkataswami

Hon'ble Mr. Justice V.N. Khare

Jasbir Malik and Prem Malhotra, Advs. for the appellants
Harbans Lal, Sr. Adv., A.K. Mahajan, R.S. Gupta, Advs. with
him for the respondents.

O R D E R

The following Order of the Court was delivered:
(With C.A.Nos.5438/94, 7113/94, SLP (C) No.2235/94)

O R D E R

K. Venkataswami, J.

Substitution allowed.

Special leave granted in SLP (C) No.22356/95.

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 counter-parts in Rural Community Theatres.

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 detail the facts and discuss on merits. Hence this
brief Order.

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 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 materials placed before it came to the
conclusion that the respondents are entitled to the parity
of scales of pay with those of their counter-parts in Rural

Community Theatre.

Aggrieved by that, the present appeals are filed.

At the time of issuing notice in SLP arising out of Civil Appeal No.3956/92 this Court 20.8.92 inter alia has stated as follows:

"The petitioner is permitted to file an additional affidavit giving particulars on the respondents' claim for parity within two weeks. Counter, if any, be filed within a week thereafter."

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.

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.

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.