

JUDGMENT SHEET

Appeal No.2974/2012

upgradation has been declined. In these circumstances, no question would arise for filing the departmental appeal again.

6. The comparative chart of the Federal Govt. employees and their counterparts in the Provincial Govt. given in the grounds of appeal is as follows:

| Audit Department | Treasury Department |
|--------------------------------|--------------------------------------|
| Junior Auditor | Junior Clerk |
| Senior Auditor(BS-16) | Deputy Accountant (BS-14) |
| Asst.Accounts Officer (BS-17) | Deputy Distt.Account Officer (BS-17) |
| Distt.Accounts Officer (BS-18) | Distt.Accounts Officer (BS-18) |

The Senior Auditor of the Federal Govt. is counterpart of the Dy.Accountant of the Punjab Govt. Both the incumbents possess the same qualifications, perform the similar duties under the same roof and work under the same officer with different nomenclature. It does not appeal to reason that employees of the Federal Govt. should receive higher salary (BS-16) than the employees of the Punjab Govt. BS-14 sitting on the same bench. In a recent judgment of Lahore High Court 2004 PLC(C.S) 586 it was observed as under:-

"7. " The principle of ' equal pay for equal work' has not been mentioned either as a Fundamental Right or as a Principle of Policy in our Constitution. However, if the equality clause in Article 25 of the Constitution has to have some meanings, the said principle has to be read in Article 25 to give effect to it. Persons similarly placed have to be similarly treated except on the basis of reasonable classification. In this case it has not been explained that when

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not a big loss for the Provincial Govt. The law has to prevail. The Upgradations have already been made in Education Department, Police Department, Excise & Taxation Department, Jail Department etc, there seem to be no reason that upgradation should not be granted to the appellants.

8 In this view of the matter, all the appeals are accepted, impugned order dated 26.7.2012 is set aside. The appellants are declared to be entitled to BS-16. The Secretary Finance, Govt. of Punjab is directed to pass necessary orders in the light of the observations made above in order to remove the disparity/discrimination.

Announced
28.10.2013.

Shahzad/*

Punjab Treasury & Accounts Service Association

~~SECRET~~


CHAIRMAN

BHARAT
7/11/13

7-11-13

incomplete....