

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 21151 of 2015
Date of decision: 05.10.2015

Gurinder Pal Singh and another

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. P.K. Goklaney, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

Prayer in the present writ petition is for directing the respondents to grant salary to the petitioners at the minimum of their regular pay scale + usual allowances and arrears of salary. For the said relief, reliance is placed upon the Full Bench judgment of this Court in CWP No. 14796 of 2003, Avtar Singh vs. State of Punjab and others, decided on 11.11.2011 (Annexure P-1).

The case of the petitioners is that they have been working as Pump Operators on daily wage basis since 24.12.1997 and 01.01.1998 and have been paid salary on daily wage basis even though they are performing the same duties which are being performed by regular employees. It is in such circumstances the said relief is claimed. Counsel submits that a legal notice dated 07.07.2015 (Annexure P-5) has also been served on the respondents for the said relief but no action has been taken on the same.

Counsel submits that he would be satisfied at this stage if a direction is issued to the respondents to take a decision on the said legal notice within a time bound frame.

Accordingly, without commenting on the merits of the case and keeping in view the limited relief sought, this Court does not feel necessary to call upon the respondents to file reply.

Accordingly, the writ petition is disposed of with a direction to the respondents to take into consideration the legal notice dated 07.07.2015 (Annexure P-5) and decide the same within a period of 3 months from the date of receipt of certified copy of the order. It is, however, made clear that if the petitioners are in service as pleaded, it would not be a ground to terminate their service on account of them having availed their legal remedy. If the petitioners are found entitled, payment be made within a period of two months thereafter. Needless to say that in case the relief is to be denied, the order should contain reasons.

05.10.2015
shivani

(G.S. SANDHAWALIA)
JUDGE