

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

CWP No.5187 of 2014 (O&M)
Decided on :26.11.2015

Ramphal & ors.

.... Petitioners

vs.

State of Haryana & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. Ram Niwas Sharma, Advocate
for the petitioners.

Mr. Ashok S.Chaudhary, Addl. AG, Haryana.

Mahesh Grover, J.(Oral)

The petitioners pray for grant of salary for the period 08.02.1999 to 11.03.2011 and 22.12.1999 to 16.03.2011 and 1st ACP scale on completion of 10 years of regular service.

Undisputedly, the petitioners were working on part-time basis and filed a writ petition praying for regularisation of service in terms of policy instructions of State Government.

The writ petition was disposed of with a direction to the respondents to consider the claim of regularization of the petitioners within a period of six months in the light of its policy dated 30.12.1998/25.02.1999 and the respondents then regularised the services of petitioners w.e.f. 08.02.1999 vide order dated 11.03.2011 but granted only notional pay with no arrears of pay.

Learned counsel for the petitioners contends that on account of regularisation, they were entitled to grant of entire salary for the previous period. He also made a prayer for Annual Career Progression benefits, which have concededly been granted to the petitioners vide order No.1933/13 dated 29.03.2013 and arrears

amounting to Rs.65,274/- has already been paid as indicated in the reply. The only grievance of the petitioners which exists now is regarding the pay for the period 08.02.1999 to 11.03.2011 and 22.12.1999 to 16.03.2011 when the order of regularisation of service of the petitioners were passed.

Learned counsel for the petitioners would contend that they had worked for the entire period and thus, salary cannot be denied to them.

I am of the opinion that the petitioners were part-time employee and therefore, cannot be admitted to the benefit available to the regular employees as they were not in regular employment to work for the full day. A part-time employee is required to work only for few hours whereas regular employee is required to work for a period as prescribed in rules. There is nothing on record to show that the petitioners were discharging similar duties as a regular employee in terms of duty hours. Therefore, it is difficult to appreciate the case of the petitioners for the parity of pay. The respondents are, therefore, justified in restricting the previous benefits to notional one.

The writ petition is devoid of any merit and hence, dismissed.

26.11.2015
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(Mahesh Grover)
Judge