

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

**Civil Writ Petition No. 18394 of 2016 (O&M)
Date of Decision: 26.09.2016**

Sukhchain Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Bishan Dass Rana, Advocate
for the petitioners.

JASWANT SINGH, J. (ORAL)

Forty-five (45) petitioners were engaged on daily wage basis as Pump Operators, Mali-cum-Chowkidars, Beldars and Patrol-man etc. in the various offices of the Punjab Public Health Department (Successor-Water Supply and Sanitation Department) on different dates ranging from the year 1986 to 1997, and in view of the regularization policy issued from time to time, their services were regularized with effect from the different dates ranging from the period from 2001 to 2011. The details of the petitioners are furnished at **Annexure P-1**.

It is not disputed that the petitioners were paid wages as per admissible DC rates during their engagement on daily wage basis, and after the regularization of their services, they have been paid salaries in the pay scale admissible to the post(s).

The prayer in the present petition is for commanding the respondents to grant the petitioners the minimum of the pay scale of the

post(s) on which they have worked during their daily wage engagements as has been granted to their colleagues in terms a Division Bench judgment of this Court rendered in writ petition bearing CWP No. 6162 of 1995 decided on 18.04.1996 (**Annexure P-2**).

After hearing learned counsel for the petitioners, no case for interference is made out.

No doubt, 973 persons employed as Pump Operators, Mali-cum-Chowkidars, Fitter Helpers, Bedlars etc. working in the offices of the Public Health Department, Punjab, by filing CWP No. 6162 of 1995 had claimed parity of pay scales with their counterparts working on regular basis in the same department on the analogy that the petitioners therein although engaged on daily wage basis against the posts were discharging similar duties as their regular counterparts. The Hon'ble Division Bench vide judgment dated 18.04.1996 granted the relief by directing that the petitioners therein were entitled to salary in the regular pay scale by fixing their pay at the minimum of that pay scale with effect from the date of filing of the said writ petition i.e. 26.04.1995, by relying upon a decision of the Hon'ble Supreme Court in case Dhirendra Chamoli Versus State of Uttar Pradesh, 1986 (1) SCC 637. The said judgment has also attained finality and the petitioners therein granted the relief. However, the petitioners are not entitled to the grant of similar relief as granted to other employees in judgment at **P-2**, by reasons of delay and laches and acquiescence. They have sat on the fence for years together twiddling their toes, and have now woken up after such huge unexplained delay simply that their counterparts have succeeded in their efforts by approaching the Court well in time. This

view is in consonance with a well settled principle of law, reiterated in a recent judgment of the Hon'ble Supreme Court, reported as State of Uttar Pradesh and others Versus Arvind Kumar Srivastava and others 2015 (1) SCC 347.

In view of above, no case for interference is made out, accordingly, the present petition stands dismissed.

September 26, 2016
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(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No