

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

**CWP No.23377 of 2015
Date of Decision: 22.02.2017**

Ajay Kumar and others

..... Petitioners

Versus

Chandigarh Administration and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Shailendra Sharma, Advocate,
for the petitioners.

Mr. Ashish Rawal, Advocate,
for respondent Nos.1 to 3.

SURYA KANT J. (ORAL)

1. The controversy involved in this case pertains to the contractual amount to which the petitioners were entitled to receive as their monthly emoluments while working as Clerks on contract basis in the Engineering Department.

2. Shorn of the details, suffice it to mention that the petitioners were appointed as Lower Division Clerks (LDC) on contract basis after inviting the candidates for a walk-in-interview advertised in the newspapers. As per the advertisement, the consolidated amount payable to the contractually appointed Lower Division Clerks was ₹6600/- per month but by the time the appointments were made, such wages were further revised to ₹10,000/- per month. Hence in the appointment letter like dated 31.12.2009, it was agreed to pay a fixed salary of ₹10,000/- per month to the petitioners.

3. The petitioners subsequently claimed emoluments at the rate

prescribed by Government of Punjab for its regular Lower Division Clerks on the plea that Chandigarh Administration has adopted the pay-scales as are admissible in the State of Punjab. The Tribunal has rejected the petitioners' claim on the ground that the Rules/Instructions of the Punjab Government relied upon by them pertain to regular employees and not those appointed on contractual basis.

4. Still aggrieved, the petitioners have preferred this writ petition.

5. We have heard learned counsel for the parties and gone through the record.

6. It emerges out that the Chandigarh Administration itself has issued a circular dated 07.09.2012 (P-9) whereby it decided to revise the monthly emoluments of contractual appointees and as per Clause (a) of the circular, those appointed on contractual basis on such posts which are not entitled to grant of Non Practicing Allowances, were entitled to be paid consolidated contractual amount per month as was fixed corresponding to the Grade Pay of the post. The case of the petitioners is that the Grade Pay of the post of LDC on which they served on contract basis was ₹3200/- and as such they were entitled to monthly emoluments at the rate of ₹22,300/- per month from the date above-stated circular was issued.

7. It further appears that Chandigarh Administration again revised the consolidated contractual amount payable to the persons appointed on whole time on contract basis vide policy dated 09.12.2013 (P-10).

8. Since the petitioners have not been paid emoluments as per the above-stated two policy circulars issued by Chandigarh Administration itself, we allow this writ petition in part; modify the order of the Tribunal and direct the Chandigarh Administration to calculate the arrears of pay of

the petitioners as per the above-stated circulars and release the same within a period of three months from the date of receipt of certified copy of this order. Rest of the claims of the petitioners are declined.

9. As regard to the petitioners challenge to the subsequent order of termination of their services, they may approach the Tribunal, if so advised.

10. Ordered accordingly.

(SURYA KANT)
JUDGE

16.02.2017

Bhumika

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No