

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

**Civil Writ Petition No.19119 of 2017
Decided on : 25.08.2017**

Balbir Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

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

Present : Mr. R.S. Mamli, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks directions under Article 226 of the Constitution of India to the respondents for granting him minimum pay scale instead of ₹1,500/- which is being paid to him.

It is the case of the petitioner that he was appointed on 15.03.1989 on probation for 2 years as a Waiter. His services were dispensed with on 17.07.1992 and he preferred a claim before the Industrial Disputes Tribunal and as per award dated 02.12.2011 (Annexure P-1) it was directed that he would be reinstated with continuity of service and 25% back-wages from the date of demand notice i.e. 19.10.2002.

The respondent-Corporation challenged the same by filing CWP No.18356 of 2012 and vide order dated 07.07.2015 (Annexure P-2), it was successful to the extent that back wages were held not sustainable, whereas the reinstatement on continuity of service was upheld.

The petitioner's case now is that he has not been paid the minimum wages and a legal notice dated 10.08.2017 (Annexure P-3) has also been served upon the respondent.

Counsel for the petitioner has relied upon the judgment of the Apex Court in '**State of Punjab and others Vs. Jagjit Singh and others' 2016 (4) SCT 641** to contend that even temporary employees would be entitled to draw wages at the minimum of the pay scales as extended to the regular employees holding the same post.

Counsel submits that he would be satisfied if a decision is taken on the said legal notice.

Without commenting upon the merits of the case and the eligibility of the petitioner and since a demand notice has been served upon the respondent, the present writ petition is disposed of with the direction to respondent No.2 to take a decision on the said legal notice dated 10.08.2017 (Annexure P-3) within a period of 4 months from the receipt of the certified copy of this order, keeping in view the judgment of the Apex Court in **Jagjit Singh's case (supra)**.

Needless to say that, in case, the relief is to be denied, then a speaking order be passed and be conveyed to the petitioner.

AUGUST 25, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No