

Sr. No.118

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

CWP No.23932 of 2017 (O&M)

Date of Decision:24.10.2017

Des Raj and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. K.R. Sharma, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

As per pleadings on record petitioner No.1 is serving as Pump Operator on daily wage basis under the Water Supply and Sanitation Department, State of Punjab since the year 1995. Likewise petitioner No.2 is working as a Mali-cum-Chowkidar on daily wage basis since the year 1996. Claim in the instant petition is for grant of minimum of the regular pay scale admissible to the post in question.

Counsel submits that 78 other daily wagers and who were similarly situated as the present petitioners had filed CWP No.12436 of 1999 raising identical claim and such writ petition was allowed by the learned Single Judge vide judgment and order dated 22.09.2008 (Annexure P-1). Further contended that the judgment rendered by the Writ Court has been affirmed up to the Hon'ble Supreme Court.

In view of the facts and circumstances noticed hereinabove, I deem it appropriate to dispose of the writ petition in terms of granting liberty to the petitioners to file a comprehensive representation as regards their claim.

In the eventuality of any such representation being preferred, respondent No.2 i.e. Superintending Engineer, Water Supply and Sanitation Department, Government of Punjab/competent authority would be obligated to examine such representation and to take a final decision thereupon in accordance with law within a period of 04 months from the date of submission of the representation.

It is, however, made clear that in the eventuality of claim of the petitioners being found to be covered under the judgment dated 22.09.2008 passed by this Court in CWP No.12436 of 1999 it would be open for the respondents to restrict actual arrears for a period of 38 months prior to the date of filing of the instant writ petition.

Disposed of.

24.10.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No