

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

**COCP No. 1655 of 2017 (O&M)
Date of Decision: 22.02.2018**

Bhim Sain and others

..... Petitioners

Versus

Ajoy Kumar Sinha, IAS, Secretary, Department of Water
Supply & Sanitation, Punjab, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. Manoj Bajaj, Additional Advocate General, Punjab.

JASWANT SINGH, J. (ORAL)

The petitioners, sixteen in number, were engaged as Daily Wage Basis on Class-IV posts during the period(s) from 1996-2011 at various sites under the Office of Executive Engineer, Water Supply and Sanitation Division No. 1, Bathinda.

The petitioners filed a writ petition bearing *CWP No. 27343 of 2015* seeking a mandamus for grant of minimum of pay scale of the posts on the principle of '*Equal Pay for Equal Work*' in terms of the Division Bench's judgment of this Court passed in writ petition bearing *CWP No. 6162 of 1995* titled as '*Gurcharan Singh Kahlon and others Versus State of Punjab and another*', decided on **18.04.1996**.

The aforesaid writ petition (*CWP No. 27343 of 2015*) was disposed of vide order dated 12.01.2017, directing the Water Supply and Sanitation Department to implement the judgment in *Gurcharan Singh Kahlon's case (supra)*, while considering the case of the petitioners and

pass necessary orders for releasing the consequential benefits.

Since the needful was not done within the stipulated time of three months, hence the present contempt petition.

Upon notice, a reply dated 20.02.2018 by way of affidavit of Sh. Jaswinder Singh, Executive Engineer, Water Supply & Sanitation Division No. 1, Bathinda (respondent No. 4) has been filed in Court today, which is taken on record.

From the reply, it is borne out that a speaking order dated 13.10.2017 (**Annexure R-1**) stands passed, whereby the claim for grant of minimum of the pay scale to the petitioners prior to regularization of their services w.e.f. 24.05.2011 in terms of the policy was rejected. They have been held to be disentitled to grant of minimum pay scales as the decision of the Division Bench of this Court in ***Gurcharan Singh Kahlon's case (supra)*** was taken in appeal before the Hon'ble Supreme Court, which vide order dated 26.04.2007, while dismissing the appeal, had categorically mentioned that ***the said decision shall not be treated as a precedent for future***. Hence, the claim for grant of minimum of the pay scale for the periods prior to the date of regularization has been declined.

In view of the above, the continuation of the present contempt petition is not warranted, the same is **dismissed**.

Rule is discharged.

February 22, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>