

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.18057 of 2018
Date of decision : 24.07.2018

Puneet Kumar Upadhyay ...Petitioner

versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: .Mr.Sunil K.Nehra, Advocate, for the petitioner.

RITU BAHRI J. (Oral)

The petitioner has come up in writ petition under Article 226 of Constitution of India praying for issuance of a writ of mandamus directing the respondents to grant the minimum of the regular pay scale of the post on which the petitioner is working in view of the judgment (Annexure P-7) passed by the Supreme Court of India.

Learned counsel for the petitioner submits that that petitioner should be given minimum of the regular pay scale which is being paid to the regular employees for the same work as per judgment of Hon'ble Supreme Court in the case of **State of Punjab and others Vs. Jagjit Singh and others 2017 (1) SCC 148 (Annexure P-7)** wherein, it has been held that in view of different provisions of the Constitution and the law declared by Supreme Court under Article 141, the principle of equal pay for equal work constitutes a clear and unambiguous right and is vested in every employee whether engaged on regular or temporary basis. In view of the same, Haryana Government has issued the instruction to all the Deputy Commissioners and Administrative Secretaries working in the State vide letter dated 03.11.2017. On this basis, petitioner and some employees of

representation (Annexure P-9) before The Member, Permanent Lok Adalat, for Public Utility Service, Panchkula on 16.11.2017 and referred to the general instruction issued by Haryana Government, General Administration Department vide Circular No.16/36/2016-3GS-II dated 03.11.2017 (Annexure P-8) issued to all the administrative Secretaries to Government Haryana and other authorities for adopting the principle of “equal pay for equal work” but no action has been taken in this regard.

In view of the above, the present writ petition is allowed and respondents are directed to consider the representation of the petitioner (Annexure P-9) and decide the same within three months on receipt of the copy of this order in view of the guidelines passed by judgment of Supreme Court in the case of **State of Punjab and others Vs. Jagjit Singh and others 2017 (1) SCC 148 (Annexure P-7)**.

24.07.2018
Anil

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>