

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.29780 of 2017 (O&M)

Date of Decision: 10.09.2018

Shyama Lal and others

.....Petitioners

Vs.

State of Haryana and Ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.G.S.Gopera, Advocate, for the petitioner.

Mr.Hitesh Pandit, Addl.A.G.Haryana.

Mr.Himanshu Arora, Advocate, for the respondents No.2 and 3.

RITU BAHRI, J. (ORAL)

CM No.11794-CWP of 2018

Application is allowed, subject to all just exceptions.

Judgment dated 10.08.2017 (Annexure A-1) passed in CWP No.25997 of 2016 is taken on record.

CWP No.29780 of 2017 (O&M)

Petitioners are seeking directions to the respondents No.2 and 3 to release difference of pay from April, 2015 to November, 2016, with interest @ 18% p.a., it has been withheld by the department and for further directions to the respondents to implement the policy instructions dated 03.11.2017 (Annexure P-21) issued by the respondent No.1 in the case of the petitioners and to grant them equal pay for equal work w.e.f. 01.11.2017 for which the petitioners are legally entitled.

Reply has been filed on behalf of respondents No.3 today in Court. The same is taken on record.

As per judgment passed in CWP No.25997 of 2016 titled Mahabir Singh and others vs. The State of Haryana and others, (Annexure A-1), petitioner had challenged the instructions dated 03.06.2014 whereby, minimum wages to the contractual employee had been fixed at Rs.8,100/- and further for quashing the letter dated 16.09.2014 whereby, the Board of

Directors had granted ex-post facto approval for adoption of the State Government Policy dated 02.06.2014 and 03.06.2014 circulated vide letter dated 12.06.2014 relating the policy for engaging/outsourcing of services/activities. In the said case, petitioners were appointed on the basis of an advertisement issued by the Nigam on contract basis and were being paid D.C.Rates as fixed by the Deputy Commissioner, Yamunanagar and in view of the impugned instructions dated 03.06.2014, the salary of the petitioners were reduced. By referring the judgments passed in CWP No.22428 of 2014 titled Rajesh Kumar and others Vs. State of Haryana and others on 13.05.2016 and further in CWP No.7086 of 2015 titled Kuldeep Singh and others Vs. Dakshin Haryana Bijli Vitran Nigam and others decided on 13.01.2017, it was held that the issue of reduction of pay from Rs.13,660/- to Rs.9,840/- was held to be highly arbitrary and impugned order was set aside and Nigam was directed to pay wages @ Rs.13,660/- from the date the same had been reduced to Rs.9,840/- and it was further directed that the difference be paid within a period of 4 months apart from a direction that the benefit of minimum pay scale attached to the post of ALM was also to be granted. The said writ petition was disposed of by giving directions to the respondents to pay the arrears within the period of two years at the initial rate which they were being paid. Keeping in view the judgment passed in the case of State of Punjab and others Vs. Jagjit singh and others, 2016 (4) SCT 641, the prayer for minimum of the pay scale will be decided by the respondents within a fixed time frame.

In the present case, petitioners are working in the same department and at the time of their initial appointments, they were being paid the salary at the DC rates and subsequently their salary was reduced to Rs.9840/-. The case of the petitioners is squarely covered by the judgment in the case of Mahabir Singh and others vs. The State of Haryana and others, (Annexure A-1) passed in CWP No.25997 of 2016 .

Accordingly, keeping in view the above since the matter in principle already stands decided, the present writ petition is also disposed of in the same terms as in *Rajesh Kumar, Kuldeep Singh's and Mahabir Singh and others vs. The State of Haryana and others case (supra)* to the extent that the petitioner will be paid the arrears w.e.f. April, 2015 to November,

2016 at the initial rate which they were being paid. However, the payment be made within a period of 3 months from the date of receipt of certified copy of the order. The prayer for minimum of the pay scale in view of the judgment in State of Punjab and others Vs. Jagjit Singh and others(supra) will be decided by the respondents within a fixed time frame also of four months.

(RITU BAHRI)
JUDGE

10.09.2018
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No