THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14396 of 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

> "…to issue an order direction or writ more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondents in not passing the appropriate orders in view of the recommendations made by the 4th respondent dated 29.07.2010 to the 1st respondent, as illegal, arbitrary and unjust, and consequently direct the respondents to consider the case of the petitioner for payment of minimum time scale which is being paid as per G.O.Ms.No.146 dated 04.03.2013."

2. When the matter is taken up for hearing, learned counsel for the petitioner had contended that the petitioner is working as Attender-cum-Driver with the respondents on daily wage basis since 1992 and the respondents are not extending the minimum time scale attached to that post to the petitioner so far. He further contended that in view of the law declared by the Supreme Court in **State of Punjab v. Jagjit Singh & others**, the respondents are bound to extend the minimum timescale of pay attached to the post of attender and hence, appropriate orders be passed in the writ petition directing the respondents to extend the minimum timescale of pay attached to the post of attender-cum-driver by duly taking into account the judgment of the Supreme Court in **Jagjit Singh's case** (supra).

3. Learned Assistant Government Pleader for Finance and Planning contended that the respondents 2 to 4 have recommended the case of the petitioner to the 1st respondent and the 1st respondent would consider the case of the petitioner and pass appropriate orders in accordance with law on the recommendations made by the respondents 2 to 4.

4. This Court having considered the rival submissions made by the parties is of the view that the writ petition can be disposed of directing the respondents to consider the case of the petitioner for extending the minimum time scale of pay attached to the post of attender-cum-driver in view of the law laid down by the Supreme Court in **Jagjit Singh's case** (supra) and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above observations, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

September 18, 2019

KTL