

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

COCp 2096 of 2011

Date of Decision : May 13, 2019

Pardeep Kumar and others

.....Applicants/Petitioners

VERSUS

Paramjit Singh Aujala and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. K.L.Arora, Advocate for the applicants/petitioners.

Mr. Aditya Sharda, AAG, Punjab.

NIRMALJIT KAUR, J.

The present contempt petition is filed for non-compliance of the order dated 31.10.2008 which was disposed of as under:-

“In view of above, the present writ petition is disposed of with direction to the respondents to place the petitioners at the basic pay of the scale. The petitioners shall also be entitled to arrears for a period of three years and two months preceding the filing of the writ petition.....The minimum salary of the time scale of appropriate category with appropriate allowances therein as revised from time to time shall also be paid to the petitioners so long as they work or have worked as daily wagers. Let the benefits flowing from this order be given to the petitioners within a period of three months from the date of receipt of a certified copy of this order.”

The LPA against the said order was dismissed vide order dated 30.8.2010. The operative part of the order of the Division Bench while dismissing the LPA reads as under:-

“The petitioners shall be entitled to minimum of the pay scale of the categories to which they belong with all allowances as revised from time to time. However, the relief shall be confined to three years preceding the filing of the respective writ petitions.”

Thereafter, the SLP in the case of the petitioners as filed by the State alongwith other connected matters was dismissed by the Hon'ble Supreme Court on 10.01.2018 as under:-

“The special leave petitions are dismissed in view of judgment of this Court in State of Punjab & Ors. V. Jagjit Singh & Ors (2017) SCC 148.”

Short reply was filed on 7.5.2019. As per the short reply, the case of the petitioners was considered and the payments of all the admissible benefits due to the petitioners stand paid. The calculation sheet was also placed on record as Annexure R-2.

In spite of the above, learned counsel for the petitioners vehemently argued that only the minimum of the pay scale has been given, whereas, the petitioners were entitled to all the allowances as well, alongwith, the minimum of the pay scale. Reliance was placed on the judgment rendered by the learned Single Judge in the case of **Chamkaur Singh and others Vs. State of Punjab and others**, CWP No. 24052 of 2011 decided on 11.7.2018 which was further allowed on the basis of a judgment rendered by the Division Bench in the case of **State of Punjab and others Vs. Rajinder Kumar and others**, LPA No. 1024 of 2009.

Thus, the only dispute that survives is as to whether the petitioners are entitled to the other allowances besides the minimum of

the pay scale or not.

No doubt, learned Single Judge vide order dated 31.10.2008 directed the payment of the minimum salary alongwith appropriate allowances as revised from time to time as also upheld by the Division Bench but the SLP, however, was dismissed in view of the order and judgment rendered in the case of **State of Punjab and others Vs. Jagjit Singh and others**, 2017(1) SCC 148. As per the judgment rendered in the case of Jagjit Singh (supra), to the temporary employees relief was restricted only to the extent of minimum of the wages/pay scales of such regular employees who were daily wages employees, adhoc employees, employees appointed on casual basis, contractual and the like but who were rendering similar duties and responsibilities as were being discharged by the regular employees holding the same/corresponding posts by holding in para No. 52 which reads as under:-

“52. In view of all our above conclusions, the decision rendered by the full bench of the High Court in Avtar Singh v. State of Punjab & Ors. (CWP no. 14796 of 2003), dated 11.11.2011, is liable to be set aside, and the same is hereby set aside. The decision rendered by the division bench of the High Court in State of Punjab & Ors. v. Rajinder Singh & Ors. (2209(4) S.C.T. 88; LPA no. 337 of 2003, decided on 7.1.2009) is also liable to be set aside, and the same is also hereby set aside. We affirm the decision rendered in State of Punjab & Ors. v. Rajinder Kumar (LPA no. 1024 of 2009, decided on 30.8.2010), with the modification, that the concerned employees would be entitled to the minimum of the pay-scale, of the category to which they belong, but would not be entitled to allowances attached to the posts held

by them.”

Thus, the argument of the learned counsel for the petitioners that the learned Single Judge vide order dated 11.7.2018 had granted the pay scale in terms of the Rajinder Kumar's case (supra) will not help in view of the judgment rendered in the case of Jagjit Singh's case (supra) wherein the Rajinder Kumar's case was affirmed with the modification that such employees would not be entitled to allowances.

At this stage, learned counsel for the petitioners raised yet another argument and submitted that the order of the Hon'ble Apex Court was not dismissed 'in terms' of the judgment rendered in the case of State of Punjab and others Vs. Jagjit Singh and others but 'in view' of the judgment rendered in the case of State of Punjab and others Vs. Rajinder Kumar and others. However, the said argument deserves to be rejected outright being totally misconceived as the words 'in view' and 'in terms' would not change the complexion and law settled by the judgment rendered in the case of State of Punjab and others Vs. Jagjit Singh and others.

In view of the same, the application for revival as well as the contempt petition is dismissed.

Rule issued against the respondent(s) stands discharged.

May 13, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No