

**C.M.No.6782 of 2017 in/and
CWP No.17193 of 2002**

{1}

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

**C.M.No.6782 of 2017 in/and
CWP No.17193 of 2002
Date of decision:17.12.2019**

Bhupinder Singh and others ... Petitioners

Vs.

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.K.Arora, Advocate
for the petitioners.

Mr. Navdeep Chhabra, D.A.G., Punjab.

SUVIR SEHGAL J. (Oral)

The petitioners are seeking issuance of a writ in the nature of mandamus directing the respondents to regularize their services and to grant them consequential benefits including salary in the minimum of regular pay scale alongwith allowances as admissible to regular employees.

The writ petition was admitted on 25.09.2003. The present civil misc. application bearing No.6782 of 2017 has been filed by the petitioners for disposal of the writ petition in terms of the decision rendered by the Hon'ble Supreme Court in Civil Appeal No.213 of 2013 titled as State of Punjab and others Vs. Jagjit Singh and others, decided on 26.10.2016, reported as 2016(4) SCT 641. The petitioners have submitted that during the pendency of the writ petition, their services have been regularized but they

have been denied the benefit of minimum pay scale on the ground that their writ petition is pending before this Court.

In response, the respondents in their reply to the application have submitted as under:-

“3. That although the Government of Punjab has issued letters for release of arrears to the employees in respect of various cases decided by the Hon'ble Supreme Court or by this Hon'ble Court, but even from a bare perusal of the policy regarding regularization of services of daily wages etc. vide No.11/34/2000-4PP 111/1301 dated 23.01.2001 (Annexure P-7). As per policy daily wagers like the petitioners are to be considered for regularization on completion of three years service strictly according to their seniority in the category against the available regular vacant posts with the department. It is submitted that the petitioners are entitled for grant of wages in the regular pay scale available to the regular employees of the State Government only after regularization of their services. It is also relevant to mention here that even as per the judgment dated 29.10.2016 relied upon by the petitioner, passed by the Hon'ble Apex Court:

“In pursuance of the judgment dated 26.10.2016 passed by the Hon'ble Apex Court in CA 213 of 2013 titled as State of Punjab and others Vs. Jagjit Singh and others, equal pay for

equal work is to be given at the minimum scale of the category to which the petitioners belong but not the allowances attached with it. The observations made by the Hon'ble Supreme Court to this effect are reproduced as under for facility of discussion and decision.

Para 52 "In view of all our above conclusions, the decision rendered by the Full bench of the High Court in Avtar Singh Vs. State of Punjab and others (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 and others Vs. Rajinder Singh and others (LPA No.337 of 2003, decided on 07.01.2009) is also liable to be set aside, and the same is also hereby set aside. We affirm the decision rendered in the State of Punjab and others Vs. Rajinder Kumar (LPA No.1024 of 2009, decided on 30.08.2010), 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."

4. *That as aforesaid, the answering respondents do not have any objection if the instant CM and CWP as referred to above are*

disposed of in terms thereof.”

In view of the above reproduced stand taken by the respondents and with the consent of the counsel for the parties, the main writ petition is taken on board for hearing today itself.

Accordingly, the application and writ petition are disposed of holding that the petitioners are entitled to minimum of pay scale of the posts on which they were working till the date, they were regularized with a direction to the respondents to grant benefits due to them within a period of three months. However, as the writ petition was instituted on 14.08.2002, the arrears are confined to a period of 38 months prior to filing of the writ petition and same be paid with interest @ 6% per annum.

Needless to mention, the petitioners will be entitled to grant of regular pay scale from the respective dates of their regularization in service.

Disposed of in the above terms.

(SUVIR SEHGAL)
JUDGE

December 17, 2019
manoj/savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No