

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: July 09, 2019
CWP-14496-2018

Mohinder Pal

... Petitioner

vs.

State of Punjab and Ors

.. Respondents

CWP-14551-2018

Sukhwinder Singh

... Petitioner

vs.

State of Punjab and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Jyoti Sareen, Advocate, for the petitioner.

Ms. Ambika Bedi, A.A.G.Punjab.

ARUN MONGA, J.(ORAL)

This order of mine shall dispose of abovesaid two writ petitions as common questions of law and facts are involved therein. For brevity, facts are being taken from CWP-14496-2018.

2. Grievance of the petitioner is that his claim for grant of minimum of the regular pay scale with effect from 01.04.2016, payable to regular Beldar after 10 years of service, has been rejected

3. Learned counsel for the petitioner states that petitioner was reinstated on 01.01.2012, after his service was illegally terminated in year 2007, thus, he is entitled to be considered for regularization in service as per Government policy.

4. Furthermore, petitioner caused a legal noticed dated 18.11.2017 (Annexure P-3) through his counsel to the respondents whereby, petitioner's claim was rejected arbitrarily by giving evasive reply.

5. Learned counsel for the petitioner relies on a judgment of Hon'ble Apex Court rendered in Civil Appeal No. 213 of 2013 dated 26.10.2016 as also on a judgment of this Court rendered in CWP-17003-2011 and contends that the case of the petitioner is squarely covered by the same.

6. In the return filed in the writ petition(s), the stand taken is that the petitioner has no right to seek regular pay scale and regularization as he has not completed 240 days in each preceding calendar year. However, at the same time, there is no denial to the fact that the petitioner was reinstated in service on 01.01.2012.

7. As regards the completion of 240 days in each preceding calendar year, I do not find any force in the same in view of the fact that pursuant to an award dated 11.02.2016 (Annexure P-1), the petitioner was directed to be given seniority by counting 10 years of continuous service for the purpose of seniority.

8. The stand taken by the respondents, as also reflected in the reply to the legal notice as well as in the return filed to the present writ petition, does not stand judicial scrutiny.

9. In the circumstances, both the writ petitions are allowed and a writ of *mandamus* is issued to the respondents to grant the petitioners minimum of the regular pay scale as payable to the regular Beldar after 10 years of service after considering completed period of service as 10 years in accordance with the terms of award dated 11.02.2016 (Annexure P-1) and re-caste the seniority list dated 03.11.2017 (Annexure P-2) accordingly.

10. Let needful be done within a period of three months from the date of receipt of certified copy of this order. Pecuniary benefits arising out

of the relief granted pursuant to the writ of *mandamus* as above, shall also
be calculated and granted to the petitioner with interest @ 8 % per annum
from the date of entitlement till the actual date of disbursement.

11. Disposed of in above terms.

July 09, 2019
smriti

(ARUN MONGA)
JUDGE

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