

IN THE HIGH COURT OF PUNJAB ANDHARYANAAT
CHANDIGARH

CWP No. 15553-2018
Date of decision:-20.02.2019

SANDEEP AND OTHERS

.....Petitioners

vs.

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.K. Nehra, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana

RITU BAHRI, J.(Oral)

The petitioners are seeking benefit of minimum regular pay scale on the post on which they are working

As per the notification dated 03.11.2017 (Annexure P-3) following the judgment of the Supreme Court in Civil Appeal No. 213 of 2013 titled ***State of Punjab V/s. Jagjit Singh*** decided on 26.10.2016, the State Government has taken a conscious decision to make payment to temporary employees on principle of 'equal pay for equal work'. The essential condition is that the workman qualifies for the temporary post and this benefit has been extended even to workers who have been employed through outsourcing policy.

On notice of this petition, a written statement has been filed by respondent Nos. 1 to 3 wherein it has been stated that the principle of equal pay for equal work shall be applicable to contractual employees engaged under outsourcing policy part-II initially w.e.f 01.11.2017 and respondent

No. 3 had issued office order dated 19.06.2018 sanctioning the equal pay for equal work to all Group C and Group D employees working in the Institution and the instruction of Haryana government is fully complied with.

Learned counsel for the petitioners submits that pursuant to order dated 17.05.2018 passed in CWP No. 27199-2015 (P-6A), the arrears of 38 months has been given to employees of BPS Government Medical College for Women Khanpur Kalan, Sonapat. Thus, the petitioners in the present case have also right to get arrears restricted to 38 months, as they are working since long, as per details given in para No. 2 of the petition.

Keeping in view that the claim of the petitioners for grant of minimum pay scale is squarely covered in his favour by the aforesaid judgment of Supreme Court, this petition is being disposed of by giving direction to the respondents to release all consequential benefits including arrears of salary from the date of judgment i.e 26.10.2016 (P-2) except petitioner No. 28. This exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.

20.02.2019
G Arora

(RITU BAHRI)
JUDGE