

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CWP No.9810 of 2020
Date of Decision: 18.11.2020

Jai Bhagwan

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present: Mr. Ajay Chaudhary, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).*

GIRISH AGNIHOTRI, J.(Oral)

Petitioner-Jai Bhagwan, stated to be aged 55 years, has filed the present writ petition, *inter alia* with the prayer to direct the respondents to release the arrears of salary (which apparently is on account of difference of salary between the salary drawn) as Beldar/daily wager and being a regular employee w.e.f. 01.10.2003 as Beldar in pursuance to the order dated 14.11.2018 (Annexure P-1) passed by the Executive Engineer, Division No.1, PWD (B&R) Branch, Rohtak.

The pleaded case of the petitioner in the writ petition is that the petitioner was initially engaged as Beldar on daily wages since 01.01.1980. In February 1996, his services were terminated. On 08.09.1998, he raised demand notice. Vide Award dated 10.12.2010, the Industrial Tribunal-cum-Labour Court, Rohtak ordered his reinstatement with continuity of service

and 50% back wages. The petitioner had to file another CWP No.25144 of 2016 during the pendency of which an order dated 14.11.2018 was passed (Annexure P-1), whereby the petitioner was regularized w.e.f. 01.10.2003 in the pay-scale of 2550-55-2660-EB-60-3200.

The prayer in the present writ petition is to release the arrears of pay on account of fixation of pay w.e.f. 01.10.2003 in the pay-scale of 2550-55-2660-EB-60-3200.

Record of the case shows that on 15.07.2020, notice of motion was issued.

Mr. Rajneesh Chadwal, AAG, Haryana appears on behalf of the respondents. Learned counsel submits that written statement on behalf of respondents No.1 to 3 has been filed wherein it has been *inter alia* pleaded that the order of the Labour Court dated 10.12.2010 already stands complied with.

This Court finds that apparently the order dated 14.11.2018 passed by respondent No.3 needs to be acted upon. In other words, as per the order dated 14.11.2018, the respondents are under legal duty to order to pay fixation of the petitioner in the pay-scale as mentioned in the aforesaid order. It is further the duty of the respondents to consequently work out the arrears on account of difference of salary between the present pay fixation on account of order dated 14.11.2018 and the previous pay so calculated.

In view of the peculiar facts and circumstances noticed above, the writ petition is disposed of with the following directions:-

- (i) Respondents No.1 to 3 are directed to issue formal order of pay fixation in pursuance to the order dated 14.11.2018 (Annexure P-1) passed by respondent No.3, within a period of one month

from today.

- (ii) It is further directed that the difference of pay w.e.f. 01.10.2003 (i.e. the date of regularization of the petitioner) in the pay-scale of 2550-55-2660-EB-60-3200, be worked out in accordance with law and in accordance with the order passed by the Labour Court.
- (iii) The difference of the arrears be released/paid to the petitioner in accordance with law.
- (iv) The petitioner will also be entitled to difference of pay w.e.f. 10.12.2010 till the date of his retirement, be also released.
- (v) The needful as directed above be done expeditiously, preferably within a period of three months from today.

The present writ petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

18.11.2020
D.Bansal

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