

CWP No.10765 of 2020

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

CWP No.10765 of 2020

Date of decision:28.07.2020

Lakhvir Kumar and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Baljeet Singh Sidhu, Advocate
for the petitioners.

SUVIR SEHGAL J.

The case has been taken up for hearing through video conferencing on account of Covid-19 pandemic.

The instant petition has been filed seeking a writ in the nature of mandamus directing the respondents to grant the benefit of 'equal pay for equal work' to the petitioners from the date of their initial appointment as daily wagers till the date of regularization of their services alongwith allowances attached to the posts.

Counsel for the petitioners submits that petitioners No.1 to 6 were appointed as daily wagers on 21.03.2011 and continue to work till date. They are discharging the duties of Junior Engineers. Petitioners No.7 to 10 are working as Junior Engineers on contract basis and petitioners No.11 and 12 are working as Sub-Divisional Clerks on contract basis since the year 2011. Counsel has made a reference to the chart (Annexure P-1) wherein the service particulars of the petitioners have been given. He submits that the petitioners are being paid wages on daily and contract basis

instead of regular pay scale for the posts on which they are working despite the fact that they are discharging the same work and duties as regular incumbents. He has placed reliance upon the judgment of the Hon'ble Supreme Court in **State of Punjab and others Vs. Jagjit Singh and others 2017(2) SLR 682** to submit that the petitioners are entitled to be paid the minimum of the pay scale of the posts on which they are working. Before approaching this Court, the petitioners have submitted a legal notice dated 03.06.2020 (Annexure P-3) which till date has not yielded any result. He submits that the petitioners will be satisfied in case a direction is issued to the respondents to take decision on the legal notice within a specified time frame.

Prayer made by the petitioners is just and fair.

Without examining the averments made in the writ petition and the claim raised in the legal notice, this petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 03.06.2020 (Annexure P-3) submitted by the petitioners by passing a speaking order keeping in view the judgment passed by the Hon'ble Supreme Court in Jagjit Singh's case (supra) within a period of four months from the date of receipt of a certified copy of this order.

(SUVIR SEHGAL)
JUDGE

July 28, 2020
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No