

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-13481-2020(O&M)
Date of Decision: 03.09.2020

Raj Kumar & another

--Petitioners

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Malik, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The petitioners are seeking benefit of minimum regular pay scale on the post of Heavy Vehicle Driver and further they be not replaced by another set of contractual employees.

As per the notification dated 03.11.2017 (Annexure P-5) following the judgment of the Supreme Court in ***Civil Appeal No. 213 of 2013*** titled ***State of Punjab & others V/s. Jagjit Singh & others*** 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.

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 decide the legal notice of the petitioners dated 16.3.2020 (P-7) and pass appropriate order by granting the minimum regular pay scale to the petitioners at par with the employees who have been given this benefit as per order dated 28.04.2018 (Annexure P-6) within a period of four months from the date of receipt of certified copy of this order. Further the petitioners shall not be relieved by another set of contractual employees, in view of judgment of Hon'ble the Supreme Court in a case of ***Hargurpratap Singh vs. State of Punjab and others, 2007 (13) SCC 292***, subject to the condition that their work and conduct is satisfactory.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.09.2020

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