

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-38238-2018 (O&M)

Date of Decision: March 16, 2021

NITESH SHARMA

..... PETITIONER(s)

Versus

STATE OF HARYANA AND ANOTHER

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ravinder Malik (Ravi), Advocate for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

The petitioner, who was appointed on the post of Assistant (Training and Documentations) on contractual basis, seeks a direction to the respondents regarding release of minimum pay scale of the post being held by him.

The petitioner, it is submitted, was appointed after undergoing proper selection process. Advertisement in this regard was issued on 02.06.2016. It is further submitted that the petitioner was appointed on contractual basis vide order dated 21.08.2017 (Annexure P-3) on a consolidated remuneration. His services were extended by the respondents from time to time and petitioner is still continuing in service. Learned

counsel for the petitioner asserts that petitioner is working qua a regular sanctioned post and is discharging the same duties and responsibilities as regular employees in the department, thus the principle of equal pay for equal work is applicable. It is submitted that an identically situated employee working in the same department, filed CWP-4881-2018 seeking the same relief as has been sought by the petitioner in this writ petition. CWP-4881-2018, it is stated, was allowed on 03.07.2019 and the respondents have been directed to pay the minimum pay scale from the date of joining. Reliance is also placed on judgment of the Hon'ble Supreme Court in State of Punjab and others Vs. Jagjit Singh and others, 2016(4) S.C.T.641. In reply to the application (CM-10846-2020) filed by the petitioner seeking disposal of this writ petition in view of the decision dated 03.07.2019 in CWP-4881-2018, while admitting passing of order dated 3.07.2019 in CWP No.4881 of 2018, it is mentioned that LPA-1598-2019 has been filed for challenging order dated 03.07.2019 and that notice in the said appeal along with notice regarding stay was issued on 18.09.2019.

Learned counsel for the respondent is unable to deny that the petitioner is identically situated as the petitioner in CWP-4881-2018. Nothing has been brought to my notice to distinguish the case of present petitioner from the petitioner in CWP No.4881 of 2018. It is further not denied that operation of order dated 03.07.2019 has not been stayed till date.

In this view of the matter, I do not find any reason for keeping the matter pending. Keeping in view the Judgment of the Hon'ble Supreme Court in State of Punjab and others Vs. Jagjit Singh's case (supra) and

subsequent decision dated 03.07.2019 in CWP-4881-2018 in respect to an employee working in same department as the petitioner, this writ petition is allowed. Respondents are directed to pay the requisite minimum pay scale to the petitioner from the date of joining till date within a period of three months from the date of receipt of certified copy of this order.

Petition is disposed of accordingly.

16.03.2021

Sunil

(LISA GILL)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No