

207 (2 cases)

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

Date of Decision:21.12.2022

1) CWP-1654-2020 (O&M)

Karam Pal and others		Petitioners
	Versus	
State of Haryana and others		Respondents

2) CWP-194-2021 (O&M)

Jyoti and others		Petitioners
	Versus	
State of Haryana and others		Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sunil K. Nehra, Advocate
for the petitioners in CWP No.1654 of 2020.
Mr. Parminder Bhukal, Advocate
for the petitioner in CWP No.194 of 2021.
Mr. Saurabh Mohunta, D.A.G., Haryana.

Mr. Devansh Khanna, Advocate for
Mr. Vaibhav Narang, Advocate for respondents No.2 to 10 in
CWP No.1654 of 2020.

ARUN MONGA, J. (ORAL)

Vide this common order, above mentioned two petitions are being disposed of, since not only the facts but the issues raised therein are also similar. For brevity, facts which are in dispute are being taken from CWP No.1654 of 2020.

Petition, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to grant Dearness Allowance (DA) to the petitioners of the post of Reader in Permanent Lok Adalat for Public Utility Services in view of the judgment passed by this Court in CWP No.18057 of 2018 (Annexure P-11) and in CWP No.22747 of 2018 (Annexure P-13), which was stopped from November, 2019 onwards.

2. While issuing notice of motion on 22.01.2020, my Learned Sister Ritu Bahri, J., (as she then was seized of the matter), passed following order:-

“Learned counsel for the petitioner refers to the judgment passed by the Division Bench of this Court in Chhote Lal vs. State of Haryana and others, 2002 (4) SCT 914 to contend that the benefit of dearness allowance (DA) along with minimum of the pay scale, has to be given to the contractual employees.

Grievance of the petitioners is that vide order dated 08.03.2019, the petitioners were granted the benefit of minimum wages along with DA. However, after a gap of three months, DA is not being paid to them.

Notice of motion for 06.07.2020.

In the meantime, Dearness allowance be paid to the petitioners pursuant to the judgments passed in J.S. Yadav vs. State of Haryana and others, 2002 (1) SLR 244, Uma Rani vs. State of Haryana and others, 2017 (1) SCT 425 and Surinder Kumar and others vs. State of Haryana and others, 2002 (4) SCT 424 (Annexures P-19 to P-21). The petitioners will not be replaced by another set of contractual employees, except by way of regular recruitment.”

3. Having perused the aforesaid judgment, it appears that the petitioner is on parity with the petitioner in Chhote Lal’s case *ibid*. I need not labour all over again since issue involved herein has already been dealt with. Controversy is thus no more *res integra*.

4. Consequently, the writ petitions are disposed of with the expectation that the respondents shall comply with the ratio of the judgments as mentioned in the notion of motion order, as above. Needful exercise be carried out within a period of 3 months. Needless to say, non-compliance thereof will invite contempt proceedings.

5. Pending civil miscellaneous, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

December 21, 2022

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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No