

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(232+261)

CWP No.17959 of 2019(O&M)
Date of Decision : 15.11.2022

Sandeep and others
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.27014 of 2019(O&M)

Monika and others
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.10665 of 2020

Kavita Kumari and another
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.6379 of 2021

Sangeeta and others
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.15637 of 2019

Vishwas Sharma and others
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.12549 of 2020

Harpal and others
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.15941 of 2021

Poonam Sharma and another
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.18044 of 2019

Rajesh Kumar and others
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.37485 of 2019

Asha
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.19208 of 2021

Sunil Kumar and others
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.17444 of 2021

Sarla Rani and others
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.17483 of 2021

Kusum and others
Versus
....Petitioners

State of Haryana and others
....Respondents

CWP No.23779 of 2021

Jagat Singh and others

Versus

....Petitioners

State of Haryana and othersRespondents

CWP No.20487 of 2021

Ram Niwas and others Petitioners
Versus

State of Haryana and others **....Respondents**

CWP No.6046 of 2022

Krishan Kumar and others **....Petitioners**
Versus

State of Haryana and others **....Respondents**

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Kumar, Advocate for
Mr. Sajjan Singh, Advocate
for the petitioner (in CWP No.17959, 27014 and 37485 of
2019 and 6379 of 2021)

Mr. Tejpal Singh Dhull, Advocate
for the petitioners (in CWP No.19208, 23779 and 20487 of
2021 and CWP No.6046 of 2022)

Mr. Jasbir Mor, Advocate
for the petitioner (in CWP No.17483 of 2021)

Mr. R.S. Malik, Advocate
for the petitioner (in CWP No.17444 of 2021)

Mr. Vaidant Arora, Advocate for
Mr. Sunil Kumar Bhardwaj, Advocate
for the petitioner (in CWP No.12549 of 2020)

Mr. Sandeep S. Mann, Additional Advocate General,
Haryana.

Harsimran Singh Sethi, J. (Oral)

By this common order, the writ petitions, details of which have been given above, are being disposed of as all the writ petitions involve the same question of law on similar facts.

For the purpose of this order, the facts are being taken from CWP No.17959 of 2019 (O&M).

In the bunch of present petitions, the prayer of the petitioners is that they should be granted the minimum pay scale along with dearness allowance or in the alternative, the petitioners should be paid the salary on the DC rates, whichever is higher.

Further prayer of the petitioners is that they are entitled for the grant of LTC, which as per the petitioners, keeping in view the instructions dated 21.04.2010, a copy of which has been appended as Annexure P-9, even the contractual employees, who are working for more than four years are entitled for the one month salary in view of the leave travel concession.

Learned counsel for the petitioners argues that the factual situation in the department is such that contractual employees, are being paid less salary than the employees being paid salary under the DC rates fixed whereas the petitioners, who are similarly situated and are performing same duties, their salary has been assessed under the instructions dated 03.11.2017 on the ground that the petitioners are working under the outsource policy-II will be entitled for the payment under the instructions dated 03.11.2017. Learned counsel submits that the department needs to streamline the payment of salary to the similarly situated employees so that either all the employees, who are working on

contract basis, are to be paid salary under DC rates or all the employees need to be paid the salary under the instructions dated 03.11.2017, whichever is higher so as to benefit the said employees concerned.

Learned State counsel submits that though the replies have not been filed to the present petitions but keeping in view the order passed by this Court on the same controversy i.e. CWP No.2299 of 2022, titled as **Naveen Akharia and others Vs. State of Haryana and others**, decided on 07.11.2022, the claim of the petitioners to claim the dearness allowance along with minimum pay scale has been held to be bad and it has been held that the employees working under the outsource policy-II will be entitled for the payment under the instructions dated 03.11.2017.

Learned counsel for the respondents submits that he does not have any instructions that the similarly situated employees of the same department are being paid in a different manner one under the DC rates and another set of employees under the instructions dated 03.11.2017 by treating him/her as outsourced employees.

Learned State counsel submits that in case such situation is prevalent in the department, the petitioners can raise the said grievance by giving an appropriate representation to this effect that similarly situated employees are getting higher salary under DC rates and appropriate order on the prayer of the petitioners will be passed by the authorities concerned keeping in view the facts and circumstances of the case concerned as to whether the employees are to be paid under DC rates keeping in view of their initial appointment or they are paid as outsourced employees under the instructions dated 03.11.2017.

Learned counsel for the respondents further submits that the

claim of the petitioners for the grant of LTC on the ground that they have been working in the department for the last more than four years will be considered under the instructions dated 21.04.2010 (Annexure P-9) and appropriate orders on the claim of the persons, which will be raised before the authorities concerned will be passed within eight weeks of receipt of any such grievance.

Learned counsel for the petitioners submits that keeping in view the abovesaid statement of learned counsel for the respondents, the petitioners are seeking to approach the respondents with a prayer that they should also be paid their salary under the DC rates as being given to the other similarly situated employees and not under the instructions dated 03.11.2017 as well as their claim qua LTC having been entitled under the instructions dated 21.04.2010.

Ordered accordingly.

Learned counsel appearing for one set of the petitioners submits that even the salary which is admissible to the petitioners as per assessment of the department has also not been released so far, which is causing financial difficulty for the petitioners.

Learned counsel for the respondents assured this Court that in case any such situation exists in the department, the salary for which the petitioners are entitled for, if not paid upto 30.11.2022, will be released by first week of December, 2022.

Learned counsel for the petitioners submits that the employees, who are not even being paid either the DC rates or the minimum of pay scale as envisaged under the instructions dated 03.11.2017 be given liberty to approach the respondents raising their

grievance. This Court is not preventing any employees for any grievance, which he/she feels is entitled for. They are well within their jurisdiction to raise their grievance, if any, before the respondent authorities by filing appropriate representation and it becomes duty of the respondents to decide the same within the prescribed time.

The petitions are accordingly disposed of.

A photocopy of this judgment be placed on the file of another connected cases.

November 15, 2022
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*