

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

**DATE OF DECISION: 24.05.2022
CWP NO. 36992 OF 2019**

Mamta Mehla and another **...Petitioners**

Versus

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

CWP No. 37126 OF 2019

Reeta Rani and others **...Petitioners**

Versus

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

CWP No. 37250 OF 2019

Mukesh Kumar and others **...Petitioners**

Versus

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

CWP No.3444 OF 2020

Dr. Monika and others **...Petitioners**

Versus

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

CWP No. 5236 of 2020

Dr. Ravi Godara and others **...Petitioners**

Versus

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

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sunil K. Nehra, Advocate;
Mr. Yashpal Rangi, Advocate;
Mr. R. S. Malik, Advocate,
for the petitioner (s).

Ms. Mamta Singla Talwar, DAG, Haryana.

ARUN MONGA, J. (ORAL)

The aforementioned bunch of five petitions is being disposed of vide common order, since facts as well as issues involved therein are similar. For the sake of brevity, recitals are being taken from the earliest of the petition i.e., CWP-36992-2019, wherein pleadings are complete.

2. Petitioner(s) herein, *inter alia*, seek issuance of a writ in the nature of Mandamus directing the respondents to grant minimum of the regular pay scale to the petitioners, which the other regular employees of the Health Department are getting on the post of Pharmacist and Registration Clerk-cum-Computer Assistant, respectively. Reliance is placed on Supreme Court judgement in **State of Punjab and others Versus Jagjit Singh and others**, reported as **2016 (4) SCT 641**.

3. My attention has been drawn to a communication dated 20.05.2022 sent from Director General Health Services, Haryana to the learned Advocate General, Haryana, which reads as under :

“ That the petitioners have filed the present writ petition with a prayer for directing the respondent to grant minimum of the regular pay scale to the petitioner. In this regard, it is intimated that the prayer of the petitioners of CWP No.37250 of 2019, 37126 of 2019 and 36992 of 2019 has been accepted by the competent authority. Hence, these three CWPs have become rendered infructuous. However, the matter of the petitioners of the CWP No. 3444 of 2020 and CWP No. 5236 of 2020 is under active consideration and can take some time for decision on it as in such matters approval/discussion of various authorities/departments are involved. Therefore, you are requested to apprise the Hon’ble Court about acceptance of prayer of the petitioners of above said three CWPs and to seek short adjournment in CWP No. 3444 of 2020 and CWP No. 5236 of 2020 so that concrete reply could be filed by the respondent-State.”

4. Perusal of the above transpires that claim of the petitioners in CWP Nos.37250, 37126 and 36992 of 2019 has already been accepted by the competent authority. It is though not very clear that as to in what terms benefit has been granted to them, but it is expected that the same is in terms *Jagjit Singh judgment, ibid*, compliance whereof has been sought in the instant writ proceedings.

5. Be that as it may, in other two writ petitions bearing Nos.3444 and 5236 of 2020, though in one (5236 of 2020) formal notice of motion has not been issued, but since the petitioners therein are similarly situated, I see no reason as to why same benefit be not accorded to them.

6. In the premise, all the five writ petitions are disposed of and it is expected of the respondents to accord minimum wages to the petitioners as per the applicable minimum pay scale. While passing order, the competent authority shall also look into the claim of petitioners qua arrears in terms of CWP No. 27199 of 2015 decided on 17.05.2018 titled “**Satish Kumar and others v. State of Haryana and others**” (Annexure P-10). In case, they are found to be on parity with the petitioners therein, similar benefit be accorded to them.

7. Disposed of accordingly.

MAY 24, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No