

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP-670-2023

Date of decision : 13.01.2023

Rishi Pal

...Petitioner

Versus

State Election Commission

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Akshaydeep Singh Balyan, Advocate for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ, order or direction especially in the nature of Mandamus directing the respondent to re-fix the pay of the petitioner by granting him the benefit of dearness allowance along with the minimum of the pay scale attached to the post being manned by him so as to bring his pay at par with the minimum pay being availed by the similarly placed regular employees of the respondent Department, in view of the judgment rendered by the Hon'ble Supreme Court of India in ***P&T Department through Bhartiya Dak Tar Mazdoor Manch Versus Union of India, (1988) 1 SCC 122*** and ***State of Punjab and others Versus Jagjit Singh and others, 2016 (4) SCT 641*** as well as in view of instructions dated 03.11.2017 and 20.04.2018, , Annexures P-5 and P-6, respectively, issued by the State of Haryana.

Counsel for the petitioner submits that the petitioner is working as driver with the State Election Commission, Haryana on contract basis and was appointed vide letter dated 18.02.2016, Annexure P-3, for a period of one year, which is being extended from time to time. By placing reliance upon instructions dated 11.09.2017, Annexure P-14, counsel submits that the Government has decided to grant dearness allowance to the employees working on contractual/outsourcing basis. He has made a reference to the orders, Annexures P-10 to P-12, passed by the State of Haryana, whereby, some of the employees, who were similarly placed, have been granted the same benefit.

Counsel for the petitioner submits that Legal Notice, Annexure P-15, dated 11.11.2022 was served, which is not being attended to, and the petitioner will be satisfied in case a direction is issued to the respondent to look into the same.

Notice of motion.

On asking of the Court, Mr. Pankaj Middha, Additional Advocate General, Haryana, accepts notice on behalf of the respondent.

Given the nature of order being passed, this Court does not deem it necessary to call for a response from the respondent.

Having heard counsel for the parties, but without examining the claim of the petitioner on merits, petition is disposed of with a direction to the respondent to examine the claim of the petitioner as raised in the Legal Notice, Annexure P-15, within a period of 4 months from the date of communication of copy of this order.

In case, the respondent finds that the claim is not sustainable, an order be passed assigning reasons for rejection.

(SUVIR SEHGAL)
JUDGE

13.01.2023
Pardeep

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No