

2023:PHHC:054745

Mr. Ranjivan Singh,
Ms. Kanika Toor,
Mr. Risham Raag Singh, Advocates for the petitioners
in CWP-24449-2019

Mr. D.K. Singal, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. A batch of four identical writ petitions i.e CWP-10725-2016, 11173-2017, 11615-2017 and 24449-2019 has come up for final disposal.

2. With the consent of the learned counsel representing the parties, the relevant facts are being taken from CWP-10725-2016. The petitioners, who are working as the Workshop Instructors, pray for grant of regular pay scale from the date of their initial appointment, which was somewhere in the year 1998. Initially the petitioners were appointed on contract basis. They filed a writ petition (CWP-12681-2003) for direction to the respondents to regularize their services and pay them the same wages as payable to the regular employees. The petition was allowed on 02.12.2004. However, the Supreme Court set aside the aforesaid judgment on 07.09.2006 and remanded the case back to the High Court. Ultimately, on 03.10.2007 the writ petition was disposed of while directing the respondents to decide the claim of the petitioners in the light of the judgment passed by the Five Judges Bench in **State of Karnatka and others vs. Uma Devi and others 2006 (4) SCC 1**.

3. In deference to the order of the High Court, a speaking order was passed on 28.08.2008 while observing that the petitioners will be entitled to the minimum of the pay scale w.e.f 10.04.2006. Subsequently,

the petitioners’ services were regularized on 28.06.2011. These writ petitions have been filed from 2016 to 2019. The petitioners are claiming regular pay scale from the date of appointment. Learned counsel representing the petitioners contends that a similar writ petition i.e CWP-14796-2003 titled as ‘**Avtar Singh vs. State of Punjab and others**’ decided on 11.11.2011 has been allowed by a Full Bench of this Court. Admittedly, the petitioners were not a party to the aforesaid writ petition. At the cost of repetition, the petitioners’ services were regularized in the year 2011 and their salary is being paid on the regular pay scale w.e.f 01.04.2011. The first writ petition was filed in the year 2016. It is obvious that the writ petitions suffers from unexplained delay and laches. The petitioners were sitting on the fence. They never filed any writ petition to claim the entitlement of salary in the same pay scale from the date of their appointment during all this while. Hence, no ground to issue the writ, as prayed for, is made out.

4. Dismissed.
5. All the pending miscellaneous applications, if any, are also disposed of.

18.04.2023
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No