

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(233)

CM-5601-CWP-2018 in/and
CWP-20830-2008

Date of decision: - 06.12.2023

Rakeshwar Kumar and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. H.S. Saini, Advocate
for Mr. Neeraj Sharma, Advocate
for the petitioners.

Mr. Kunal Muthreja, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. Application under Section 151 CPC bearing No.CM-5601-CWP-2018 has been filed for the issuance of an appropriate direction to list the main case for hearing in view of the judgment dated 26.10.2016 passed by the Hon'ble Supreme Court in Civil Appeal No.213 of 2013 titled as 'State of Punjab and others Vs. Jagjit Singh and others'. It has been averred in the application that the main writ petition was filed for the grant of minimum of the regular pay scale as has been given to the other similar situated employees. Reliance has been placed upon the principle 'equal pay for equal work' and it has been stated that any act of the respondents of paying less wages is oppressive and coercive and the claim of the applicants is covered by the judgment of Hon'ble Supreme Court in **State of Punjab and others Vs. Jagjit Singh and others case**

(supra).

2. Learned counsel appearing for the State has submitted that as per the above-said decision of the Hon'ble Supreme Court dated 26.10.2016, the arrears of daily wages period is limited to a period of three years, prior to the date of filing of the writ petition and the arrears of the present petitioners have been calculated from 11.12.2005 to 10.12.2008 i.e. three years prior to the date of filing of the present petition i.e. 10.12.2008 and the payment of arrears amounting of Rs.17,801,47/- for the said period have been made to the petitioners, vide letter dated 11.03.2020 and the present misc. application and the main case has been rendered infructuous.

3. Learned counsel for the petitioners has submitted that he is not touch with the present petitioners and on the basis of the statement made by learned State counsel, the present writ petition be disposed of with liberty to the petitioners to revive the petition in case any cause survives.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of as having been rendered infructuous. Liberty is granted to the petitioners to revive the present petition in case any cause survives.

December 06, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No