

202

2023:PHHC:164025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21928-2015 (O&M)
DECIDED ON: 18.12.2023

AMARJIT KAUR AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

AND

CWP-26521-2018 (O&M)
2023:PHHC:163099

MUKESH RANI AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dinesh Kumar, Advocate and
Mr. Arvind Galav, Advocate
for the petitioners in both the petitions.

Mr. Sandeep Singh Mann, Addl. AG, Haryana.

Mr. S.S. Mor, Advocate for respondents No.2 to 4.

Mr. Arihant Goyal, Sr. Panel counsel for
respondent-UOI.

SANDEEP MOUDGIL, J (ORAL)

Vide this common order, this Court intends to dispose of both the
petitions together, as common question of law is involved in both the petitions.

The petitioners have invoked the writ jurisdiction of this Court seeking issuance of a writ in the nature of *certiorari* to quash the impugned order dated 25.05.2015 (Annexure P-16) in CWP-21928-2015 and impugned communications dated 19.02.2018 & 06.07.2018 (Annexure P-15 & P-17 respectively in CWP No.26521-2018 and directing the respondents to grant them memo of regular pay scale as is being granted to the similar situated employees alongwith arrears and compensation. Another prayer has been made for issuance of a writ in the nature of *mandamus* directing the respondents to regularize the services of the petitioners.

Just to avoid the repetition, the facts are being taken from CWP-21928-2015.

Learned counsel for the petitioners has contended that the petitioners are working as Balsevikas on contract basis on a meagre consolidated salary of Rs.1300/- to Rs.2675 with District Council for Child Welfare in the Creches and Child Care Centers. It is the assertion of the counsel for the petitioners that the petitioners are entitled to regular pay scales as have been granted to similarly situated employees working in other districts, who have rendered services of more than a decade. He placed reliance upon the judgment rendered by a Division Bench of this Court in the case of ***Shakuntala Devi vs. The Deputy Commissioner, Sirsa and another passed in CWP-1286-1987 on 01.10.2012***. Further reliance has been placed upon the judgment of the Apex Court passed in ***State of Punjab & Ors. vs. Jagjeet Singh and Ors.,(2017) 1 SCC 148***.

Learned counsel for the respondents have not disputed the fact that the case of the petitioners is squarely covered by the judgment of this Court passed in ***Shakuntala Devi's case (supra)***.

A Full Bench of this Court in *Shakuntla Devi's case (supra)* which has been followed by a Division Bench in *LPA No.1124 of 2015 titled as Janki Devi Vs. State of Haryana and others, decided on 22.10.2018*, has held that District Council for Child Welfare will fall within the ambit of “authority” within the meaning of Article 226 of the Constitution of India and is amenable to writ jurisdiction.

It is crystal clear that the counterparts of the petitioners working in other Districts, have been granted benefits in view of Shakuntla Devi's case (supra) and it is not fair to discriminate the petitioners.

In Jagjit Singh's case (supra), Apex Court has held that temporary employees (differently described as workcharge, daily wage, casual, ad-hoc, contractual and the like) are entitled to the minimum of the regular pay scale alongwith dearness allowance.

In view of the above, impugned order dated 25.05.2015 (Annexure P-16) in CWP-21928-2015 and impugned communications dated 19.02.2018 & 06.07.2018 (Annexure P-15 & P-17 respectively in CWP No.26521-2018 are set aside.

Both the aforesaid writ petitions are disposed of with a direction to respondents to pay the petitioners minimum of the scale of regular pay alongwith dearness allowance in terms of the judgment in Jagjit Singh's case (supra). However, arrears are restricted to a period of three years prior to the date of passing of this order. It is further directed that respondents would consider the case of the petitioners for regularization at par with their counter-parts working in other districts and pass appropriate orders. The entire exercise would be carried out within a period of two months from the date of receipt of certified copy of the order.

A photocopy of this order be placed on the file of another connected writ petition.

18.12.2023

(SANDEEP MOUDGIL)
JUDGE

Sham

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No