

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 112

Civil Writ Petition No.22594 of 2023

Date of Decision: *October 07, 2023*

Ashok Kumar and others

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Tejpal Singh Dhull, Advocate for the petitioners.

. . .

Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *mandamus* directing the respondents to pay the minimum of regular pay scale with dearness allowance plus grade pay to the petitioners.

2. The petitioners are statedly working as Canal Patwaris on contract basis with the respondent-Department. They earlier approached this Court by filing CWP No.19763 of 2019. During pendency of the petition, the respondents have passed the impugned order, dated 18.10.2019, whereby the petitioners' claim for grant of minimum of the regular pay scale meant for the post of Canal Patwari has been accepted. They have also been held entitled to arrears of the pay scale w.e.f. 03.11.2017 in the light of instructions issued by the State Government, recognizing the principle 'equal pay for equal work'.

3. Learned counsel for the petitioners contends that despite the claim having been accepted by the respondents, they have failed to release

the minimum of regular pay scale alongwith dearness allowance to the petitioners. The pay scale without dearness allowance is being released, which is contrary to law. He has referred to a judgment of the Supreme Court in *Bahadur Singh & others vs. Jaspreet Kaur Talwar & others*, 2022 SCC Online SC 1077, wherein it has been specified that the expression 'minimum of the pay' means not only the basic pay plus grade pay, but it includes dearness allowance also which comes therewith. Therefore, the petitioners are entitled to dearness allowance apart from the basic pay and grade pay of the minimum of regular pay scale as Canal Patwaris. It is also contended that this Court vide order dated 31.05.2023, passed in CWP No.23153 of 2019, titled *Kamal Kumar and others v. State of Punjab and others*, has granted minimum of pay scale attached to the post in question to the petitioners therein in terms of *Bahadur Singh* case (*supra*).

4. Learned counsel further contends that the petitioners have given a representation dated 06.06.2023, Annexure P-8, which has not been decided so far. Besides, their claim for grant to Leave Travel Concession (LTC) benefit has not been considered despite the government Instructions, dated 21.04.2010, Annexure P-7, which entitle the contract employees, like petitioners, to the benefit. At this stage, the petitioners will be satisfied in case respondents are directed to decide the representation dated 06.06.2023, Annexure P-8, within a specified period.

5. Notice of motion.

6. Ms. Tanushree Gupta, DAG, Haryana, accepts notice and submits that the pending representation will be decided by considering

both the claims raised by the petitioners within a period of three months from today, keeping in view the law laid down in *Bahadur Singh* case (*supra*) that minimum of the basic pay includes grade pay alongwith dearness allowance, and the instructions, dated 21.04.2010, that allow LTC benefit to contractual employees.

7. In view of the statement made by learned State counsel, the petition stands disposed of.

(Tribhuvan Dahiya)
Judge

October 07, 2023
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>