

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP No.28343 of 2023
Date of Decision : 16.12.2023**

*Balwan Singh and others**..... Petitioners**versus**State of Haryana and others**..... Respondents*

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, and their writ petitions were disposed of directing the respondents to decide their representations. Pursuant thereto, the respondents have passed the order, dated 22.7.2020, 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 from 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 of similarly situated employees to release the minimum of regular

pay scale alongwith dearness allowance having been accepted, it has not been released 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 v. 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 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 15.06.2023, Annexure P-7, 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-6, 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 15.06.2023, Annexure P-7, 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 with a direction to respondent no.2/Engineer-in-Chief, Irrigation and Water Resources Department, Haryana, to consider and decide the pending representation dated 15.6.2023, by passing a speaking order in accordance with law, within a period of three months from the date of receiving a certified copy of this order.

8. In case the order is not passed within the stipulated period, the officer concerned shall pay costs of Rs.25,000/- to the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

16.12.2023

Ashwani

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No