

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****112**LPA- 2023-2023 (O&M)
Decided on: 14.12.2023

State of Haryana and others

... Appellants

Versus

Devender and others

... Respondents

**CORAM: HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Mr.Deepak Balyan, Additional Advocate General, Haryana

AMAN CHAUDHARY, J.**CM-5057-58-2023**

For the reasons stated in the applications, delay of 460 days in refiling and 5 days in filing the appeal is hereby condoned, subject to all just exceptions.

Applications stand allowed, accordingly.

Main Appeal

1. Instant Letters Patent Appeal has been filed to challenge the judgment dated 26.05.2022 passed by the learned Single Judge, vide which the writ petition filed by the respondents was allowed.
2. We have considered the submissions of learned counsel for the State that petitioner-respondents being engaged as Data entry operators for a specific term, their services automatically cease on completion of it and found it to be not tenable. The learned Single Judge has rightly allowed the writ petition by noticing the fact that they were appointed on recommendations of HARTRON in the year 2011 and were being replaced by another set of contractual employees, which

being contrary to the law laid down in **Manish Gupta vs. Jan Bhagidari Samiti**, 2022 SCC OnLine SC 485, therefore no error can be found in the direction issued for their services to continue, subject to the work and conduct being satisfactory is in consonance with the law. The second plank of arguments that they were not entitled to the minimum pay scale, stands rightly repelled by learned Single Judge by relying on *State of Punjab and Others vs. Jagjit Singh*, (2017) 1 SCC 148, which stands reiterated in **Sabha Shanker Dube vs. Forest Officer**, (2019) 12 SCC 297, that temporary employees (daily-wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and likewise) are entitled to the minimum of the regular pay scales on account of their performing the same duties which are discharged by those engaged on regular basis against the sanctioned posts.

3. In wake of the above, we find that the impugned judgment suffers from no illegality or perversity and accordingly the present appeal is dismissed, being meritless.

4. Pending application(s), if any, shall be rendered as disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

14.12.2023
gsv/ankur

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO