

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision : 27.02.2024

- (1)

LPA-538-2024
- Roshni Devi and others

.....Appellants
- Versus
- State of Haryana and others

....Respondents
- (2)

LPA-539-2024
- Nirmal Rani and others

.....Appellants
- Versus
- State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Dinesh Kumar, Advocate, for the appellants.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.
Mr. Arihant Goyal, Sr. Panel Counsel, UOI,
for respondent No.9 in LPA No. 538 of 2024 and
for respondent No.5 in LPA No. 539 of 2024.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1.

This order shall dispose of both these appeals, as the same are arising from the common order dated 18.12.2023 passed by the learned Single Judge, in two separate writ petitions.
2.

The limited consideration to the order of the learned Single Judge, whereby the writ petitioners have been granted the relief of minimum of the scale of regular pay along with dearness allowance in terms of the judgment of the Apex Court in *State of Punjab & Ors. Vs. Jagjit Singh and Ors., (2017) 1 SCC 148*, is to the extent that the learned Single Judge had restricted the arrears to a period of three years prior to the date of passing of the order dated 18.12.2023. Case of the appellants is that it should be for a period of three years and two months (38 months) prior to the filing of the writ petition as per

the Full Bench judgment of this Court in *Saroj Kumari Vs. State of Punjab, 1998 (3) PLR 123*.

3. It is not disputed that *Jagjit Singh’s case* (supra) was decided on 26.10.2016. Thereafter, the State of Haryana issued instructions dated 03.11.2017 clarifying the principle of “equal pay for equal work” and it was decided to give the benefits as such to the employees with effect from 01.11.2017. Similar issue came up for consideration in *State of Haryana and others Vs. Sandeep and others, LPA-132-2021, decided on 27.05.2022*, wherein the State of Haryana was aggrieved by the benefit of arrears for 38 months granted by the learned Single Judge while following the judgment in *Jagjit Singh’s case* (supra). The LPA was disposed of and the order of the learned Single Judge was modified to the extent that the amount shall become payable only from 01.11.2017. The respondent – employee also preferred SLP (C) No. 16093/2022 against the said order, which was dismissed on 10.10.2022.

4. In such circumstances, we modify the order of the learned Single Judge to the extent that the amount to the writ petitioners will be payable from the date as decided by the Government itself, i.e. 01.11.2017.

5. The appeals are disposed of in the above terms.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

February 27, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No