

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Sr. No.118

CWP-2518-2024
Date of decision : 07.02.2024

Navdeep Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Kapil Kakkar, Advocate, for the petitioners.

AMAN CHAUDHARY, J. (Oral)

1. The prayer in the present Civil Writ Petition under Articles 226/227 of the Constitution of India, is for the issuance of a writ in the nature of mandamus, directing respondents to grant the minimum of the pay scale from the date of their initial appointment on contract basis as granted to others working in the same Department.
2. Learned counsel submits that the claim of petitioners is for granting them the minimum pay scale from the date of their initial appointment on contract basis till the regularization on the ground that the issue already stands decided by Hon'ble the Supreme Court in **State of Punjab vs. Jagjit Singh**, 2016 (4) SCT 641. Relying on which, this Court in CWP-2031-2016, titled as **Harvinder Singh and others vs. State of Punjab and others**, decided on 21.01.2020 (Annexure P-8), held the petitioners therein also entitled to minimum of the pay scale, however,

restricting the arrears only upto 38 months prior to the date of filing of that petition. The above judgment, having been challenged by the State in LPA-29-2021 (Annexure P-9), was affirmed by the Division Bench. Consequent thereto, a speaking order was passed on 29.11.2023 (Annexure P-10) implementing the same by releasing the necessary benefit. Besides the above, a copy of a speaking order dated 31.01.2024 has been produced in Court, passed pursuant to a direction to decide the legal notice relating to the same issue as involved in the present case. It is observed therein that in adherence to judgment passed in **Harvinder Singh** (supra), the Finance Department had taken up the issue to grant benefit even to those, who were not party to CWP-2031-2016, as opposed to it earlier being restricted only to the petitioners. In wake of the above, a legal notice dated 07.01.2023, Annexure P-11, has been served upon the respondents, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioners are sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner.

3. Notice of motion.

4. At the asking of the Court, Mr. Charanpreet Singh, AAG Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the legal notice dated 07.01.2023, Annexure P-11 and decide the same, taking note of the judgments and the orders dated 29.11.2023 and 31.01.2024 referred to, by the petitioners, within a period of 8 weeks and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief

being denied, a speaking order be passed, after associating the petitioners therewith.

(AMAN CHAUDHARY)
JUDGE

07.02.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No