

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

246

CWP-4157-2020 (O&M)

Date of Decision: 22.04.2024

Mandeep Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Kulwinder S. Lakhanpal, Advocate for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab

AMAN CHAUDHARY, J. (Oral)

1. The prayer in the present petition is for directing the respondents to grant the petitioner at least minimum pay scale as is given to the masters/mistresses working in the same department, possessing similar qualifications and performing identical duties.
2. Learned counsel submits that the petitioner was seeking payment of minimum pay scale as granted to the masters/mistresses employed in the same department, holding identical qualifications and fulfilling equivalent duties, yet she receives a salary below the rates as fixed by the Deputy Commissioner. In the written statement filed by the Department, the sole ground taken for not deciding the case of the petitioner was the pendency of LPA-29-2021, **State of Punjab and another vs. Harvinder Singh and others**, which now stands dismissed vide judgment dated 11.05.2022, relevant paras whereof read thus:

“ It is, thus, apparent that the writ petitioners have been duly regularized. In such circumstances, finding which has been recorded by the learned Single Judge cannot be faulted that they had been appointed against regular sanctioned posts as per statutory Rules and putting them on contract basis was totally unjustified. Rather proper selection process as such was

adopted and the finding cannot be found to be suffering from any infirmity or illegality in view of the above facts. In such circumstances, 38 months arrears have been granted prior to the filing of the writ petitions whereby, the writ petitioners have been held entitled for payment of their dues as per the law laid down by the Apex Court in *Jagjit Singh (supra)*. The fact that they were working and discharging similar duties and responsibilities as regular employees, thus, cannot be as such distinguished by the State.

We do not see any reason as to why the order of the learned Single Judge would require interference in the absence of any illegality of irregularity, more so when it is based on the binding precedent of the Apex Court, which the State of Punjab is bound to follow. It is also pertinent to notice that on 17.12.2021, State had been directed to file an affidavit whether they have any instructions issued for implementation of the judgment across the board and whether it would be applicable to all departments. In spite of an opportunity granted way back 5 months prior in time, necessary affidavit has not been filed.”

3. Learned State counsel, despite his best efforts, was unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

4. The present petition is, accordingly disposed of in view of the judgment **Harvinder Singh** (supra).

(AMAN CHAUDHARY)
JUDGE

22.04.2024
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Whether speaking : Yes/No
Whether reportable : Yes/No