

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

135

CWP-5903-2024 (O&M)
Date of decision: 13.03.2024

Harpreet 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.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant the minimum of the pay scale from the date of their initial appointment.

2. Learned counsel submits that the petitioners, who were working as Masters and Mistress, have not been granted minimum of pay scale from the date of initial appointment till the date of regularisation and have been paid a meagre consolidated salary of Rs.6,500/- per month only, which is even less than from the D.C. Rates, which are paid to unskilled labourer, despite the law laid down by Hon'ble the Supreme Court in **State of Punjab vs. Jagjit Singh**, 2016 (4) SCT 641. Reference is also made to the judgments passed by this Court in **Harvinder Singh and Others vs. State of Punjab and Others** in CWP-2031-2016, decided on 21.01.2020, Annexure P-8, whereafter the LPA-29-2021 and other connected cases filed by the State were dismissed and it was implemented vide order dated 29.11.2023, Annexure P-10 and in another case, also they have implemented vide order dated 31.01.2024. In **Baljinder Kumar and Others vs. State of Punjab and Another** in CWP-12583-2020, decided on 07.02.2024, this Court disposed of

the petition, in view of the aforesaid judgments by observing in para No.9 that terming their appointment as contractual, was infact a misnomer and incorporation of an exploitory condition, was deprecated. In this regard, a legal notice dated 15.12.2023, Annexure P-12, has been served upon 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 by granting them an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Gagneshwar Walia, Addl. AG, 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 and decide the legal notice dated 15.12.2023, Annexure P-12, taking note of the aforesaid judgments in the cases of **Jagjit Singh** (supra), **Harvinder Singh and Others** (supra) and **Baljinder Kumar and Others** (supra) within a period of 4 months and if found entitled, necessary benefits be granted to the petitioners forthwith.

(AMAN CHAUDHARY)
JUDGE

13.03.2024

M.Kamra

Whether speaking/reasoned

Whether reportable

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:

Yes / No

Yes / No