

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

136

CWP-5904-2024 (O&M)
Date of decision: 13.03.2024

Navinder Kumar and Others

....Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arshdeep, 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 of the post of Master to the petitioner instead of consolidated salary of Rs.6,000/-.
2. Learned counsel submits that the claim of the petitioners in the present petition is for grant of minimum pay scale for the period of contractual prior to regularisation, while only consolidating amount of Rs.6,000/- was being paid as also for grant of full pay scale of the post of Master i.e. 10300-34800+4400 grade pay with allowances during the probation period on completion of contractual period of three years. Reliance is placed on the judgment of 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 representation shall be submitted within a period of 4 weeks, which may be directed to be decided in a time bound manner.

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 that in case petitioner submit a representation within a period of 4 months, the same shall be considered and decided by the respondents 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	:	Yes / No
Whether reportable	:	Yes / No