

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

2024-PHHC-119903



CWP No. 8320 of 2024

Date of Decision: 12.09.2024

Nivedita Sharma

....Petitioner

vs.

U.T. of Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Divya Sharma, Advocate
for the petitioner

Mr. Tanmoy Gupta, Advocate and
Ms. Sukhmani Patwalia, Advocate
for the respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondents to revise Dearness Allowance in view of judgment of Supreme Court in “**Grah Rakshak, Home Guards Welfare Association vs. State of H.P. and others**” [(2015) 6 SCC 247].

2. The petitioner is working with respondent-U.T. Administration as a Home Guard. She claims that respondents from time to time have revised Dearness Allowance and last revision was made with effect from 01.01.2023. At that point of time, Dearness Allowance was revised from 212% to 221% of the basic pay. The respondents have revised Dearness Allowance of other employees of U.T. Administration even after 01.01.2023, however, her dearness allowance has not been revised.



3. Mr. Tanmoy Gupta, Advocate submits that petitioner is a volunteer and is not an employee of U.T. Administration. As per judgment cited by petitioner, a volunteer cannot claim parity with regular employees. The administration has revised Dearness Allowance of its regular employees, however, petitioner being a volunteer is not entitled to revision as granted to regular employees of U.T. Administration.

4. From the perusal of record and judgment of Supreme Court in **Grah Rakshak (Supra)**, it is evident that petitioner is entitled to minimum of the pay i.e. basic pay, grade pay, dearness allowance and washing allowance. The respondents in view of judgment of Supreme Court are bound to pay minimum of the pay which includes Dearness Allowance. If the respondents have revised dearness allowance vis-a-vis minimum basic pay of regular employees, it is bound to consider case of the petitioner in terms of the aforesaid judgment. Accordingly, respondent authorities are directed to consider case of the petitioner qua Dearness Allowance in terms of the aforesaid judgment of Supreme Court in **Grah Rakshak(Supra)**. The respondents shall pass an appropriate order within two months from today.

(JAGMOHAN BANSAL)
JUDGE

12.09.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No