

CWP-10011-2019 (O&M) &
CWP-10797-2019 (O&M)

-1- 2024:PHHC:026299

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215 (02 cases)

(1)CWP-10011-2019
Date of Decision :26.02.2024

Sony

...Petitioner

Versus

State of Haryana and others

....Respondents

(2)CWP-10797-2019

Neelam Kumari and others

...Petitioners

Versus

B.P.S. Mahila Vishwavidyalaya
Khanpur Kalan & another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Yesh Paul Malik, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana

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Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioners submits that the petitioners are not being paid minimum of the pay scale as admissible to the employees working on regular basis with the respondent-department whereas, as per the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.213-2013 titled as State of Punjab and others vs. Jagjit Singh and others decided on 26.10.2016**, the petitioners are entitled for the said benefit.

2. Learned counsel for the petitioners further submits that keeping in view the instructions dated 03.11.2017 issued by the respondent-State, petitioners are otherwise entitled for the minimum of the pay scale of the post of which the petitioners are discharging the duties hence, the respondents are under an obligation to grant the said benefit to the petitioners especially, when the petitioners were initially appointed through the contractor but working with the respondent-department without there being any contractor supporting their appointment.

3. Learned counsel for the petitioners argues that since the year 2022, the petitioner have been working under the recommendations of the Haryana Kaushal Rozgar Nigam Limited, which fact shows that the petitioners are entitled for the grant of benefit of minimum of the pay scale of the post on which the petitioners are working keeping in view the settled principle of law noticed hereinbefore as well as instructions dated 03.11.2017.

4. Learned counsel for the respondents submits that the claim of the petitioners will be considered by the respondents in accordance with law and in case the petitioners are working without their being any contractor, the petitioners will be given benefit of the judgment of the Hon'ble Supreme Court of India in Jagjeet Singh (supra) as well as instructions dated 03.11.2017 and an appropriate order will be passed within a period of 06 weeks from the date of receipt of copy of this order and in case petitioners are found entitled for the relief, the same will be extended to them along with arrears.

5. Learned counsel for the petitioners submits that keeping in view the statement of the learned counsel for the respondents, present

petitions may kindly be disposed of having been not pressed any further.

6. Ordered accordingly.
7. Photocopy of this order be placed on the file of connected case.

February 26, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No