

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

135

CWP-10006-2024
Date of Decision: 02.05.2024

Raj Kumar and others ...Petitioners

Versus

Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.S. Manhas, Advocate for the petitioners
Mr. Arihant Goyal, Senior Panel Counsel,
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 16.12.2023 (Annexure P-5) whereby they have been granted the benefit of 30 days pay structure w.e.f. 01.10.2022 instead of w.e.f. 19.01.2017.
2. This is third round of litigation. In the first round, the petitioners preferred *CWP No.21769 of 2023* claiming that they should be paid wages as per 30/31 days pay structure in view order dated 28.03.2023 (Annexure P-2). This Court directed the respondent to pay wages as per 30 days pay structure. The petitioners preferred second *CWP No.4378 of 2024* claiming that they have not been paid 30/31 days pay structure we.f. 01.10.2022. The respondent made a statement that petitioners have been extended benefit from 01.10.2022. The counsel for the petitioners agreed with the statement of counsel for the respondents. Accordingly, the petition was disposed of. The

petitioners through instant petition are claiming that benefit of 30/31 days pay structure should be extended w.e.f. 19.01.2017.

3. The claim of the petitioners is based upon communication dated 28.03.2023 (Annexure P-2) wherein it was provided that daily wages shall be calculated applying 30/31 days pay structure. In the said letter, it was also provided that these rates would be applicable w.e.f. 01.10.2022 onwards.

4. Mr. R.S. Manhas, Advocate claims that revised daily wages were applicable w.e.f. 01.10.2022, however, the formula of 30/31 days pay structure was applicable from 19.01.2017 i.e. the date from which formula of 26 days pay structure was followed.

5. I have heard the arguments of learned counsel for the petitioner and perused the record with his able assistance.

6. From the perusal of record, it comes out that in the first writ petition, the petitioners sought 30/31 days pay structure and this Court directed the respondent to extend the said benefit. The second writ petition was disposed of noticing that respondent has extended 30/31 days pay structure w.e.f. 01.10.2022. The petitioners neither in the first nor second petition claimed 30/31 days pay structure w.e.f. 19.01.2017. The petitioners cannot be permitted to file petitions in the piecemeal. The right, if any, had accrued at the time of filing of first as well as second writ petition. At that point of time, they were interested to get 30/31 days pay structure w.e.f. 01.10.2022 as contemplated by communication dated 28.03.2023 (Annexure P-2). The petitioners, after getting said benefit, are now trying to make more money from the respondents.

7. It is a settled proposition of law that multiple petitions claiming relief in piecemeal cannot be entertained. The petitioners by not claiming pay structure of 30/31 days w.e.f. 19.01.2017, at the time of filing first and second writ petition have waived their claim.

8. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

02.05.2024
Mohit Kumar

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