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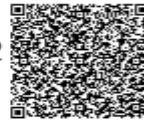
**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision: 25.11.2024

....PETITIONERS

...RESPONDENTS

Sr. No	Case Nos.	Name of parties
2.	CWP-12254-2022	RAJEEV AND ORS V/S U.T. ADMINISTRATION AND OTHERS
3.	CWP-13289-2022	RAVI AND ORS V/S U.T. ADMINISTRATION AND OTHERS
4.	CWP-13320-2022	SHAKTIVEL AND OTHERS V/S U.T. ADMINISTRATION AND OTHERS
5.	CWP-13402-2022	D. RAJA AND OTHERS V/S U.T. ADMINISTRATION AND OTHERS
6.	CWP-13416-2022	VELUMURGAN AND OTHERS V/S U.T. ADMINISTRATION AND OTHERS
7.	CWP-13422-2022	PARDEEP SINGH AND OTHERS V/S U.T. ADMINISTRATION AND OTHERS
8.	CWP-13438-2022	MOHAN LAL AND OTHERS V/S U.T. ADMINISTRATION AND OTHERS
9.	CWP-13457-2022	SWARANA DEVI AND OTHERS V/S U.T. ADMINISTRATION AND OTHERS
10.	CWP-13649-2022	KANNAN AND OTHERS V/S U.T. ADMINISTRATION AND OTHERS
11.	CWP-13667-2022	RAJNI AND OTHERS V/S U.T/ ADMINISTRATION AND OTHERS
12.	CWP-13692-2022	VIKRAM AND OTHERS V/S U.T. ADMINISTRATION AND OTHERS
13.	CWP-13408-2022	RAJIV GANDHI AND OTHERS V/S U.T. ADMINISTRATION AND OTHERS

**CWP-12075-2022**

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and other connected cases

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Anil Kumar Chauhan, Advocate for
Mr. Kanwar Yuvraj Singh, Advocate
for the petitioner(s).

Mr. Deepak Malhotra, Advocate
for the respondent-U.T., Chandigarh (in CWP-13422-2022)

Mr. Arav Gupta, Advocate
for the respondent-U.T., Chandigarh (in CWP-12254-2022)

Mr. Madhu Dayal, Advocate and
Ms. Shubhreet Kaur, Advocate
for U.T., Chandigarh (in CWP-13438-2022).

Mr. Anil Kumar Sharma, Advocate and
Mr. Mayank, Advocate
for respondent Nos. 1 and 2 (in CWP-13408-2022)

Mr. M.K. Dogra, Additional Sanding Counsel
for U.T., Chandigarh-respondent Nos. 1 and 2
(in CWP-13692-2022).

Mr. Prateek Mahajan, Advocate and
Ms. Saloni Sharma, Advocate
for respondent Nos. 1 and 2 (in CWPs-13649 and 13416-2022).

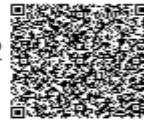
Mr. Amit Jhanji, Senior Advocate with
Dr. Malvika Singh, Advocate and
Mr. Abhishek K. Premi, Advocate
for respondent No. 3-Municipal Corporation Chandigarh
(in all cases).

Mr. Jaiveer Chandail, Advocate and
Mr. Rakesh Sobti, Advocate
for the respondent-U.T., Administration
(in CWPs-13402 and 13289-2022).

Mr. Mayank Sharma, Junior Panel Counsel
for the respondent-U.T., Chandigarh

JAGMOHAN BANSAL, J (ORAL)

1. By this common order, the above-said petitions are disposed of as
issues involved and prayer sought in all the petitions are common. For the sake
of convenience and with the consent of parties, the facts are borrowed from



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and other connected cases

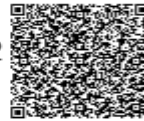
2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to grant Basic Pay plus Dearness Allowance in view of judgment of Hon'ble Supreme Court in '***U.T. Chandigarh and another Vs. Sampat and others***' in ***Civil Appeal No(s). 6779 of 2009.***

3. The petitioners are working with respondent-Municipal Corporation, Chandigarh as 'Sweepers'. They were initially appointed by Department of Rural Development & Panchayats, U.T. Chandigarh for erstwhile Gram Panchayat of Village Kishangarh, Chandigarh.

4. The petitioners vide order dated 30.04.2019 passed by Administrator of Chandigarh Administration came to be transferred to Municipal Corporation, Chandigarh. The petitioners are at present paid at DC rate whereas they are claiming Basic Pay plus Dearness Allowance in view of judgment of Supreme Court in ***Sampat and others*** (Supra).

5. Mr. Amit Jhanji, Senior Advocate submits that as per letter dated 30.04.2019 of the Administrator, the petitioners are entitled to DC rate, however, Municipal Corporation has reconsidered the matter and in the light of judgment of Hon'ble Supreme Court in ***Sampat and others*** (Supra), the matter has been put up before the Competent Authority to look into the grievance of the petitioners. In support of his submissions, he produced office note, which is taken on record as Annexure A-1. Registry is directed to tag the same at an appropriate place.

6. The relevant extracts of office noting dated 01.11.2024 of Joint Commissioner Municipal Corporation read as:-

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“6.0 All files and relevant documents in the Rural Dev Department have been examined thoroughly, but it could not be ascertained why this disparity arisen when the status of all employees of Gram Panchayat were similar before their transfer to MCC. The Safaikaramcharis Unions has been raising this issue at regular intervals and requesting that these 158 employees who were transferred to MCC in the year 2018, should also be given Basic Pay + DA as had been granted to their counterparts who have jointed MCC earlier. On the demand of the Union, the issue has been raised with the O/o SLG time and again, but no final order in this regard has been received so far.

7.0 Now the Safaikaramcharis Union has again requested that this case may sent to the Government with the recommendation of sympathetic consideration.

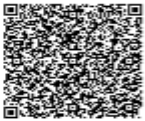
8.0 As stated earlier, there is nothing found in the record or there is any policy as of now under which these employees could be considered for granting the benefit of Basic Pay + DA. Also, no amendments or rectification has ever been sought or suggested in the orders of the Hon'ble Administrator.

9.0 However, as requested by the Union, if considered appropriate, the case may be forwarded to the Secretary Local Government for taking a decision in this regard or reconsideration of orders of 30.04.2019 of Hon'ble Administrator, so that the parity could be maintained.”

7. The office noting dated 18.11.2024 of Joint Commissioner reads as:-

“The matter was discussed with W/CMC in the presence of Law Officer.

2.0 It has been observed that in order to remove the disparity as exists in the present case as mentioned in detailed note of undersigned at NP/8-9, the matter should be referred to the Hon'ble Administrator for reconsideration in view of the specific order



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and other connected cases

dated 30.04.2019 passed by Hon'ble Administrator whereby the present employees were directed to be transferred on the same terms and conditions as existed in the gram panchayat. Further, in order to maintain the administration comity and in order to avoid conflict of authority and to secure certainty, uniformity and decorum in the hierarchy of administrative structure, it is proposed that matter may be referred to the Hon'ble Administrator for reconsideration through the Secretary Local Government so that disparity or anomaly may be removed. The prompt action is required in the present matter as CWP 12075 of 2022 is already pending for adjudication before the Hon'ble High Court.”

8. From the noting, it further appears that Competent Authority has directed to submit a fresh proposal for consideration by the Secretary, Local Government.

9. Faced with this, Mr. Anil Kumar Chauhan, Advocate submits that petitions may be disposed of with liberty to file afresh, if the cause arises, at a later stage.

10. In the wake of statement of both sides, the petitions stand disposed of.

11. This Court is sanguine of the fact that Competent Authority, ignoring para 3 of letter dated 30.04.2019, would consider the claim of the petitioners in light of the judgment of Hon’ble Supreme Court in **Sampat and others** (Supra).

25.11.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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