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

**(208)** **CWP-11422-2017**
**Date of Decision : January 24, 2024**

**Arshad Hussain and others** **.. Petitioners**

**Versus**

**State of Haryana and others** **.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Alka Chatrath, Advocate, with
Ms. Neha Singh, Advocate, for the petitioners.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Tushar Gera, Advocate, for
Mr. Naveen S. Bhardwaj, Advocate, for respondent No.3.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. Learned counsel for the petitioners submits that in the present petition, the claim of the petitioners is that the petitioners have not been paid the minimum pay of the regular pay-scale alongwith other allowances keeping in view the judgment passed by the Hon'ble Supreme Court of India in ***State of Punjab & others v. Jagjit Singh, 2016 (4) SCT 641,*** which is causing prejudice to the petitioners.

*2.* Learned counsel for the respondents, on the other hand, submits that the petitioners have been appointed under the State Health Mission Scheme and they are being paid as per the provisions of the said Scheme.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

HARSHA RANI
2024.01.25 16:40
I attest to the accuracy and
integrity of this document

4. Once, as per the judgment of the Hon'ble Supreme Court of India in ***Jagjit Singh's case (Supra)***, an employee is entitled for minimum regular pay-scale for the post in question and the said judgment has already been adopted by the respondent-State while issuing the instructions dated 03.11.2017, the respondents are under obligation to consider the claim of the petitioners under the said instructions for the grant of entitled pay and pass an appropriate order as to why, keeping in view the said instructions dated 03.11.2017, the petitioners who are discharging the duties on the post on which post incumbents are working on regular basis with the respondents-State, petitioners are not entitled for the grant of minimum of regular pay-scale.

5. Let the respondents pass an appropriate order on the consideration of the claim of the petitioners within a period of **eight weeks** from the receipt of copy of this order under the instructions dated 03.11.2017 and in case, the petitioners are found entitled for the grant of the minimum regular pay-scale, the same be extended to them, otherwise, due reasons for not granting the said benefits to the petitioners be mentioned in the speaking order, for information and further consideration of the petitioners.

6. Present petition is disposed of in above terms.

**January 24, 2024** **(HARSIMRAN SINGH SETHI)**
*harsha* **JUDGE**

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

HARSHA RANI
2024.01.25 16:40
I attest to the accuracy and
integrity of this document