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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-11601-2018 (O&M)
Date of Decision: 23.04.2024

Kanwar Singh and others

..... Petitioners

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.S. Sangwan, Advocate for the petitioner.

Mr. Divyansh Shukla, Advocate for
Mr. Hitesh Pandit, Advocate for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* for directing the respondents to grant salary equal to ALM/SA appointed by Nigam or as per Annexure P-3 dated 11.09.2017, Annexure P-4 dated 29.09.2017 and Annexure P-5 dated 19.12.2017, as per Government Instructions and Nigam decision prevalent in this respect, on the basis of principle of 'equal pay for equal work' in view of a judgment passed by the Hon'ble Supreme Court in "***State of Punjab and others Vs. Jagjit Singh and others***" **2017(1) SCC 148** along with arrears and with all consequential benefits.

2. Learned counsel for the petitioners has argued that it is a case where the petitioners are working as ALM/SA in the respondent-Nigam on contractual basis and were selected on the basis of advertisement and proper procedure was followed. He further submitted that the petitioners are seeking

parity with the regular employees on the basis of ‘equal pay for equal work’ and their prayer is squarely covered by the judgment of Hon’ble Supreme Court in *State of Punjab and others Vs. Jagjit Singh and others case (supra)*. He also submitted that a legal notice dated 15.02.2018 (Annexure P-6) was issued by the petitioners, but no action has been taken by the respondents in this regard.

3. Mr. Divyanshu Shukla, Advocate has caused appearance on behalf of Mr. Hitesh Pandit, learned counsel for the respondents and stated that he has no objection in case a direction is issued for considering and deciding the legal notice issued by the petitioners vide Annexure P-6 in accordance with law and within a time framework.

4. After hearing the learned counsel for the parties, the present petition is disposed of with a direction to respondent No.1 to consider the prayer of the petitioners for grant of equal pay for equal work in the light of the aforesaid judgment of the Hon’ble Supreme Court in *State of Punjab and others Vs. Jagjit Singh and others case (supra)* and thereafter, to pass a well reasoned speaking order within a period of three months from today.

5. In case, the petitioners are found to be entitled for the benefit as prayed by them, then the same shall be released to them within next three months.

6. Needless to say that in case the petitioners are aggrieved by any order passed by respondent No.1, then they shall be at liberty to assail the same in accordance with law.

23.04.2024 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |