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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16867-2020

Date of decision: 12.12.2024

SUKRAJ SINGH AND ORS

...PETITIONERS

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.K.Singh Goyat, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

NAMIT KUMAR ,J. (ORAL)

1. The instant petition has been filed by the petitioners, who are working as Canal Patwari in the Irrigation and Water resources Department, Haryana, claiming minimum of the regular pay-scale.
2. In the written statement filed by respondent Nos. 1 to 6, it has been stated as under:-

“ 1. That the petitioners have filed the present writ petition with prayer to direct the respondent to release the salary with minimum regular pay scale of Rs. 19900/- to the petitioners from the month of March, 2020 till date during Covid-19 period alongwith other service benefits i.e. DA, medical allowances, EPF etc with interest @ 18% per annum, who are working as Canal Patwari on contract basis from the last more than 10 years against the sanctioned posts.

2. That the Canal Patwaries are working on contract basis with the respondents and are drawing the salary in FPL-2 where the minimum of the pay scale is Rs.19,900/- per month as per pay fixation order No. 6534/5-E/OS dated 12.10.2020, Letter No. 87/00 dated 29.09.2020 and Letter No. 5817-24/6-R dated 18.09.2020. The salary of the present petitioners has been fixed at the rate of Rs.19,900/- per month w.e.f. 01.11.2017 and have been paid accordingly. The copies of the aforesaid letters are being annexed herewith as ANNEXURE-R-1 TO ANNEXURE-R-3. The said salary has been fixed and paid in the light of speaking order No.686/A-1/NGE-III/2020 dated 01.05.2020 passed by respondent

No.2. Copy of the said letter is being annexed herewith as ANNEXURE-R- 4. In the Judgment dated 26.10.2016 passed by Apex Court in Civil Appeal No.213 of 2013 titled as "State of Punjab & Ors. V/s Jagjeet Singh Ors.", it has been held that a daily-wager discharging similar duties as those engaged on regular basis, would be entitled to draw his wages at the minimum of the pay scale (drawn by his counterpart appointed on regular basis) but would not be entitled to any other allowance or increments. The petitioners are only entitled to get the minimum of the pay scale and not to any other allowances and increments. The petitioners therefore have been paid the minimum of the pay scale which is being paid to the regular Canal Patwaris as detailed above but the petitioners are not entitled to any other allowance or increments as claimed by the petitioners. In view of the above facts the present writ petition is not maintainable and the same may kindly be dismissed.

3. As per the stand taken by the respondents in the written statement, the petitioners are already being paid the minimum of the pay-scale which is being paid to the regular Canal Patwaris in terms of the judgment of the Hon’ble Supreme Court in **State of Punjab and others Vs. Jagjit Singh and others: 2016 (4) SCT 641.**

3. In this view of the matter, the instant petition has been rendered infructuous.

4. Disposed of as having become infructuous.

12.12.2024
renu

(NAMIT KUMAR)
JUDGE

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