



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

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Date of decision : 10.05.2024

(i)

CWP-22418-2014 (O&M)

Gurmail Singh and others

....Petitioners

V/S

The Punjab State Civil Supplies Corp. Ltd. and anotherRespondents

(ii)

CWP-17659-2015 (O&M)

Ajaib Singh and others

....Petitioners

V/S

The Punjab State Civil Supplies Corp. Ltd. and anotherRespondents

(iii)

CWP-4090-2016 (O&M)

Sukhcahin Singh and others

....Petitioners

V/S

The Punjab State Civil Supplies Corp. Ltd. and anotherRespondents

(iv)

CWP-4305-2015 (O&M)

Dalbara Singh and others

....Petitioners

V/S

The Punjab State Civil Supplies Corp. Ltd. and anotherRespondents

(v)

CWP-11097-2017 (O&M)

Subash Chand

....Petitioner

V/S

The Punjab State Civil Supplies Corp. Ltd. and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.K. Arora, Advocate with
Mr. Jugam Arora, Advocate for the petitioner(s)
in CWP-22418-2014, CWP-17659-2015,
CWP-4090-2016 and CWP-4305-2015.



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Mr. B.D. Jindal, Advocate
for the petitioner in CWP-11097-2017.

Mr. Surya Kumar, A.A.G., Punjab.

Mr. Manbir Singh Batth, Advocate
for respondents in CWP-22418-2014.

Mr. Birinder Pal, Advocate for the respondents
in CWP-17659-2015 and CWP-4305-2015.

Mr. Maloo Chahal, Advocate
for respondent in CWP-4090-2016.

Ms. Deepali Puri, Advocate
for the respondents No.1 to 3 in CWP-11097-2017.

NAMIT KUMAR, J. (ORAL)

1. This judgment shall dispose of all the above-said writ petitions, as common question of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-22418-2014.

2. The petitioners have filed the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ of certiorari for quashing the order dated 11.10.2012 (Annexure P-7) and 06.01.2024 (Annexure P-8) to the extent, whereby the claim of the petitioners for their regularization has been declined; for quashing the action of the respondents in not making payment of arrears of minimum scale for three years and two months and for quashing the memo dated 01.10.2014 (Annexure P-15), whereby claim of the petitioners for grant of annual enhancement in their pay/increment has been declined.

Further sought a writ of mandamus directing the respondents to grant



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the petitioners the benefits of regularization from the due date on completion of their 10 years of service and to release arrears of salary for three years and two months in the minimum of pay scale granted to the petitioners on completion of their 10 years of service and also grant the petitioners annual suitable enhancement in their pay/salary in the minimum scale by granting them annual increment.

3. Learned counsel for the parties are ad idem that so far as the claim of the petitioners for the grant of minimum of the pay-scale and dearness allowance is concerned, the same is covered by the judgment passed by Hon'ble Supreme Court in ***State of Punjab and others Vs. Jagjit Singh and others : 2016(4) S.C.T. 641***, which has further been clarified in ***Contempt Petition (Civil) No.399 of 2020 in Special Leave Petition (Civil) No.25389 of 2011, titled as 'Bahadur Singh and others Vs. Jaspreet Kaur Talwar and others' decided on 31.05.2023*** and followed by this Court in ***CWP No.36576 of 2019 titled as 'Seeshan Kumar and another Vs. State of Punjab and others' decided on 22.05.2023***.

4. However, so far as the claim of regularization of the services of the petitioners is concerned, learned counsel for the petitioners submits that the petitioners will make a detailed representation to the respondents within a period of one month from today and the same may be considered and decided by the respondents-authorities in time bound manner.

5. Learned counsel for the respondents has no objection to the



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aforesaid prayer made by learned counsel for the petitioners.

6. In view of the above, the present petition, qua the claim of the petitioners for the grant of minimum of the pay-scale and dearness allowance, is disposed of in the same terms as in *State of Punjab and others Vs. Jagjit Singh and others : 2016(4) S.C.T. 641*.

7 However, the petitioners are held entitled for arrears for 38 months prior to the date of filing of the petition in view of the law laid down by the Hon’ble Supreme Court in *State of Madhya Pradesh and others Vs. Yogendra Shrivastava : 2010(1) S.C.T. 434*. The necessary benefits shall be released to the petitioners within a period of four months.

8. In case any representation, claiming regularization, is submitted by the petitioners within a period of 01 month from today, the same shall be considered and decided by the competent authority within a period of 04 months thereafter.

9. Disposed of in the above terms.

10. Pending application, if any, shall stands disposed of accordingly.

10.05.2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No