

CWP-2225-2018 & connected cases 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(235)

CWP-2225-2018
Date of Decision : August 27, 2024

Satpal Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

(2)

CWP-19722-2020

Karamjit Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(3)

CWP-7639-2018 (O&M)

Shubham Sharma and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

(4)

CWP-5477-2021

Maninder Singh and antoher

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**CWP-2225-2018 & connected cases 2**

Present: Mr. R.K. Arora, Advocate, for the petitioners
 in CWP-2225-2018 and CWP-7639-2018.

 Ms. Alka Chatrath, Advocate and
 Ms. Neha Singh, Advocate, for the petitioners
 in CWP-19722-2020.

 Mr. Vinay Kumar, Advocate, for the petitioners
 in CWP-5477-2021.

 Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, four writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. In the present writ petitions, the grievance being raised by the petitioners is that they are working on temporary basis on various posts with the respondent-Department and are only being paid consolidated salary whereas, as per the judgment of the Hon'ble Supreme Court of India in ***State of Punjab and others vs. Jagjit Singh and others, 2016 (4) S.C.T 641***, the temporary employees who are discharging the duties as being discharged by the regularly selected candidates, are entitled for minimum of the pay scale along with the DA.

3. Learned counsel for the petitioners submits that the petitioners are class III and IV employees but still, they are not being paid their entitled salary as per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)***, which judgment has been clarified by the Hon'ble Supreme Court of India that along with minimum of the pay scale, the employee concerned will also be entitled for the dearness allowance while working on temporary basis.

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4. Upon notice of motion, the respondents have filed the reply wherein, they have mentioned that the petitioners were engaged by the concerned Rural Medical Officer and Rural Veterinary Officers without advertisement by the Zila Parishad. It has further been mentioned that while making appointment, reservation policy, eligibility and age have not been taken into consideration and therefore, as the appointment of the petitioners was without following the process, the petitioners cannot claim the benefit of minimum of pay scale along with DA as envisaged under the judgment of the Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)***.

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

6. Once, it is a conceded position that the petitioners are working with the respondents and they are working for the last more than one and half decade, it cannot be said that the petitioners are working as stop gap arrangement. Nothing has been brought to the notice of this Court that any of the petitioner does not fulfill the requisite qualification for appointment to the post on which he/she is working. Further, the said appointments have been made by the Officers of the Government of Punjab, who were duly authorized to do so. Once, the petitioners are working for the last more than one decade, they cannot be denied the benefit of the judgment in ***Jagjit Singh's case (supra)*** so as to grant them the minimum of the pay scale along with DA.

7. Learned counsel for the respondents has not been able to rebut that as per the judgment of the Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)***, the temporary employees who are working but are

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discharging the same duties as being discharged by the regular employees working on regular basis on the same post, they are entitled for the minimum of the pay scale along with DA. That being the factual position, the benefit of the judgment of the Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)*** cannot be denied to the petitioners.

8. A bare perusal of the pleadings would show that after the judgment of the Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)***, the Hon'ble Supreme Court of India while deciding ***Contempt Petition (Civil) No. 399 of 2020 in SLP (Civil) 25389 of 2011 titled as Bahadur Singh and others vs. Jaspreet Kaur Talwar and others, decided on 16.08.2022***, held that the employees working in the State of Punjab will be entitled for the minimum of the pay scale along with DA. The relevant portion of the judgment is as under:-

“7. It is, therefore, directed that the amounts payable to all the contempt petitioners towards Dearness Allowance shall be made over to them within six weeks from today.”

9. Once, considering the claim of the employees of the Government of Punjab, the Hon'ble Supreme Court of India has held that in pursuance to the judgment in ***Jagjit Singh's case (supra)***, employee will be entitled for minimum of the pay scale along with DA, nothing has been shown that the said directions given in Bahadur Singh's case (supra) will not be applicable qua the petitioners who are also working in the same capacity and are seeking the same relief as being extended by the Hon'ble Supreme Court of India to the petitioners in Bahadur Singh's case (supra).

10. Hence, it is directed that in case, the petitioners who fulfill the requisite qualification envisaged under the Rules for the post on which the

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petitioners are working, the petitioners will be given the benefit of minimum of pay scale along with DA as per the judgment of the Hon'ble Supreme Court of India in *Jagjit Singh's case (supra)* especially when learned State counsel has not been able to point out any differentiating fact qua the non-applicability of the said judgment on the petitioners.

11. The present writ petitions were filed starting from the year 2018 onwards. The salary of the petitioners will be paid to the petitioners in accordance with the judgment of the Hon'ble Supreme Court of India in *Jagjit Singh's case (supra)* (minimum of the pay scale + DA) from the date of filing of the present petitions. The petitioners will also be entitled for arrears from the date of filing of the present petitions. Let the order be complied with within a period of 8 weeks of the receipt of copy of this order.

12. The present writ petitions are allowed in above terms.

13. Any civil miscellaneous application pending if any, also stands disposed of.

14. A photocopy of this order be placed on the file of other connected cases.

August 27, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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