



Date of Decision : 25-11-2024

PRITPAL KAUR AND ORS

.....Petitioner(s)

STATE OF PUNJAB AND ANR

.....Respondent(s)

2. CWP No.24647 of 2021(O&M)

CHARANJIT KAUR AND ORS

.....Petitioner(s)

STATE OF PUNJAB AND ANR

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K Arora, Advocate for the petitioner(s).

Mr. Satnampreet Singh Chauhan, DAG Punjab.

Mr. Anil Sharma, Advocate
for respondent No.3 in CWP No.26327 of 2018.

HARSIMRAN SINGH SETHI, J. (Oral)

**CM-839-CWP-2024 in/and CWP No.26367 of 2018 (O&M) and
CWP No.24647 of 2021 (O&M)**

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Present set of two writ petitions involve common question of law in the background of common set of facts and thus they are being decided by a common order.

CM-839-CWP-2024

Learned counsel for the petitioners submits that the present application has been rendered infructuous and the same may kindly be disposed of as such.

Ordered accordingly.

CWP No.26367 of 2018(O&M) and CWP No.24647 of 2021 (O&M)

In the present petition, the grievance of the petitioners are that they were entitled for the minimum of the pay scale along with dearness allowance keeping in view judgment of the Hon'ble Supreme Court of India in *Civil Appeal No. 213 of 2013 titled as State of Punjab and others vs. Jagjit Singh and others, decided on 26.10.2016*, as well as order passed by this Court in *CWP No.2225 of 2018 titled "Satpal Singh and anr. Vs. State of Punjab and ors."*, dated 27.08.2024.

Learned counsel for the petitioners submits that the similarly situated employees have already been granted the relief while considering the judgment in *Jagjit Singh's case (supra)*, while passing order in *Satpal Singh's case (supra)* hence, the petitioners be also extended the same relief as being granted in *Satpal Singh's case (supra)*.

Learned counsel for the respondents does not deny that the petitioners are still working with the respondent-State and he has also not

disputed the fact that the judgment of Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)***, according to which an employee working on temporary basis is also entitled for the minimum of the pay scale along with dearness allowance. The only objection taken by the respondents is that the petitioners are working on contract basis under a Scheme.

I have heard learned counsel for the respondents and have gone through the records of the present case with their able assistance.

The question which arises is whether the petitioners are entitled for the minimum of the pay scale along with dearness allowance keeping in view the judgment of the Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)***.

The further question is whether, the petitioners are similarly situated as the petitioners in ***Satpal Singh's case (supra)***, where the benefit of the judgment of Hon'ble Supreme of India in ***Jagjit Singh's case (supra)*** has been allowed.

Learned counsel for the respondents have not been able to dispute that the petitioners are working on contract basis. Once, the petitioners are discharging the same duties of the post against which the regular employees have also been appointed and those regular employees are getting the regular pay scale, keeping in view the judgment in ***Jagjit Singh's case (supra)***, the employees who are working on contract basis, performing similar duties as performed by regular employee are also entitled for the minimum of the pay scale along with dearness allowance.

On being asked to point out any differential fact between the petitioners therein and the petitioners in *Satpal Singh's case (supra)*, the learned counsel for the petitioners has not been able to point out fact except that in the present case, the petitioners are working under a Scheme. Once, the law is settled that a temporary/contractual employees are also entitled for the benefit of minimum of the pay scale along with dearness allowance if they are performing the same duties as being performed by regular employees on the post in question, the same cannot be denied to the petitioners merely on the ground that the petitioners are working under a Scheme. Even if, the Union of India is to reimburse the expenditure, the Union of India is also bound by the judgment of the Hon'ble Supreme Court of India *Jagjit Singh's case (supra)*, according to which the minimum of the pay scale along with dearness allowance is to be made admissible to such a temporary/ ad hoc or a contractual employee.

Learned counsel for the respondents submits that once, the petitioners have been appointed in pursuance to a Resolution, where a particular pay scale has been given, the petitioners cannot demand the more pay scale.

Qua the said argument of the respondents, the petitioners are claiming the pay scale as per the settled principle of law. The respondents are under obligation to comply with the settled principle of law settled by the Hon'ble Supreme Court of India *Jagjit Singh's case (supra)* and any

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contrary view or Resolution, cannot bind the petitioners to claim the benefit admissible under the judgment in *Jagjit Singh's case (supra)*.

Keeping in view the above, the present set of two petitions are also allowed in terms of *Satpal Singh's case (supra)* keeping in view the question of law with regard to the regularisation as no relief is being granted to the petitioners on the said cause of action.

Pending application, if any, also stands disposed of.

Photocopy of this order be placed on the files of other connected case.

25-11-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO