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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13818-2013

Date of Decision: 16.05.2024

KULDIP SINGH & ORS

..... Petitioners

Versus

UNION OF INDIA & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. R.D. Bawa, Advocate
for the petitioners.

Ms. Gehna Vaishnavi, Central Govt. Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to regularize them and grant temporary status in terms of Casual Labourers (grant of temporary status and regularization) Scheme of Govt. of India 1993 (for short '1993 Scheme').

2. Mr. R.D. Bawa, Advocate submits that Jammu & Kashmir High Court by judgment dated 06.02.2002 (Annexure P-8) passed in ***SWP No.432 of 2000*** titled as '***Defence Civilian Workers Association Vs. Union of India***' and 07.02.2020 (Annexure P-18) passed in ***SWP No.1647 of 2011*** titled as '***All J&K Border Roads Labour (GREF) Union Vs. Union of India and others***' has held that temporary employees of respondent-GREF are entitled to benefit of 1993 scheme who have been appointed prior to introduction of 1993 scheme. The Court has further held that temporary employees are entitled to minimum

of regular pay scale. The petitioners are also employees of GREF, still, they are not getting benefits as are available to employees working with respondent in the State of Jammu & Kashmir.

3. Ms. Gehna Vaishnavi, Central Govt. Counsel submits that few of the present petitioners preferred *Civil Writ Petition 195 of 1999* titled as ‘*Jagtar Singh Vs. Union of India & others*’, *Civil Writ Petition 18370 of 2001* and *Civil Writ Petition 18374 of 2001*, claiming equal pay for equal work as payable to Group-D regular employees as well as regularization of their service. The said writ petitions came to be dismissed vide judgment dated 24.02.2009. The petitioners have not challenged said judgments, thus, despite orders of Jammu & Kashmir High Court, they cannot be extended claimed benefit.

4. It is conceded that few of the present petitioners on the earlier occasion had approached this Court seeking regularization and equal pay for equal work. Their petitions were dismissed vide judgment dated 24.02.2009. The said judgment was not assailed before Appellate Court. This Court as per doctrine of uniformity, consistency and comity cannot form a different opinion and pass an order relying upon judgment of Jammu & Kashmir High Court, thus, the present petition deserves to be dismissed and accordingly, dismissed.

(JAGMOHAN BANSAL)
JUDGE

16.05.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No