



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

(Sr. No. 103)

LPA No. 2467 of 2024 (O&M)

Date of decision: 18.10.2024

State of Haryana and others

..... Appellants

Versus

Rajesh Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Sanjeev Kaushik, Addl. A. G., Haryana for the appellants.

Mr. Vijay Pal, Advocate for the caveator-respondent.

* * *

DEEPAK SIBAL, J. (Oral)

(1) Through appointment letter dated 06.11.2013 the respondent was appointed as a Pharmacist by the District Programme Officer, Women and Child Development Department, Hisar. His appointment was on contract basis and one of the terms of his appointment was that he would be paid a consolidated remuneration. He represented to his employer for the grant of the minimum of the pay scale being paid to a regular Pharmacist. Such request was made on the basis of the law laid down by the Supreme Court in ***State of Punjab and others Vs. Jagjit Singh and others 2016 (4) SCT 641.*** When his claim was not favourably considered, he filed a petition before this Court seeking therein issuance of directions to his employer to grant him the relief he had sought through his representations.



(2) The learned counsel appearing for the State submitted before the learned Single Judge that in terms of the instructions issued by the State dated 03.11.2017, the benefit of the minimum of the pay scale applicable to the post of a Pharmacist w.e.f. 01.11.2017, already stood granted to the respondent.

(3) The respondent was not satisfied by the afore statement and sought the grant of the benefit w.e.f. 26.10.2016 which was the date when the Supreme Court had decided **Jagjit Singh's** case (supra).

(4) The learned Single Judge accepted the respondent's plea and directed the State to grant to the respondent the minimum of the pay scale applicable to the post of a regularly appointed Pharmacist with effect from the date of the judgment of the Supreme Court in **Jagjit Singh's** case (supra). These directions by the learned Single Judge are challenged by the State through the instant appeal.

(5) The only submission raised before us by the learned State counsel is that it was clearly provided in the instructions issued by the State on 03.11.2017 that though contractual employees like the respondent were entitled to the minimum of the regular pay scale but they were not entitled to any arrears beyond 01.11.2017. Since the respondent had not challenged the policy of the State dated 03.11.2017, the learned Single Judge could have not issued any direction to pay to the respondent any arrears beyond 01.11.2017.

(6) Learned counsel appearing for the caveator-respondent submits that he has clear instructions from his client that he would not claim any



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arrears of the minimum of the pay scale applicable to the post of a regularly appointed Pharmacist beyond 01.11.2017.

(7) In the light of the above statement made on behalf of the respondent the present appeal is disposed of after modifying the impugned judgment only to the extent that arrears to be paid to the respondent in terms of the law laid down in **Jagjit Singh's** case (supra) shall be w.e.f. 01.11.2017.

(8) The needful be done by the State within one month.

(9) All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

18.10.2024
sunil Yadav/GK

(DEEPAK MANCHANDA)
JUDGE

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