



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

202

CWP-18962-2016

Date of Decision: 07.08.2025

Ganesh and others

....Petitioners

Versus

Central Administrative Tribunal, Chandigarh and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Beant Singh Seemar, Advocate for the petitioners.

Mr. Sanjiv Ghai, Advocate for respondents No.2 and 6.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioners is that the petitioners are entitled for pay of initial start i.e. Rs.6950/- plus Dearness Allowance (DA), which is not being granted to them.
2. Learned counsel for the petitioners submits that keeping in view the notification dated 15.12.2011, copy of which has been appended as Annexure A-5, the scale which have been granted to the employees falling under Group D posts, the petitioners are entitled for the same. Learned counsel for the petitioners further submits that as per revised pay scale w.e.f. 01.12.2011, the pay band for the post on which the petitioners were working, is set at Rs.4900-10680/- with the Grade Pay of Rs.1650/- and the initial start



has been set at Rs.6950/-, which is not being granted to the petitioners. Learned counsel for the petitioners further submits that for all intents and purposes, in the pay band of Rs.4900-10680/-, the petitioners have to be granted the initial start of Rs.6950/-, which is not being granted hence, the respondents are under obligation to grant the petitioners the said pay with effect from the date the same was revised till the time the services of the petitioners were regularized by the respondents.

3. The learned counsel for the petitioners further submits that the initial start has to be treated as the minimum of the pay scale, which is being granted to a regular employee falling under Group D and therefore, the benefit of minimum scale of pay which the petitioners are entitled for, has wrongly being declined by the Tribunal vide impugned order dated 04.01.2016 (Annexure P-2) and 12.04.2016 (Annexure P-4).

4. Learned counsel appearing on behalf of the respondents submits that the same grievance was raised by the petitioners by filing an Original Application and while adjudicating upon the issue raised by the petitioners, the Central Administrative Tribunal, Chandigarh Bench vide order dated 04.01.2016 (Annexure P-2) held that the minimum of pay band @ Rs.4900-10680/- and not the initial start fixed @ Rs.6950/- is to be granted hence, as the petitioners have already been granted the minimum of pay band i.e. Rs.4900/- plus Grade Pay of Rs.1650/-, the claim that initial pay of Rs.6950/- should be granted instead of Rs.6550/-, is incorrect. Learned counsel for the respondents further submits that the Tribunal has dealt with the said issue and recorded the finding that the petitioners herein are not entitled for the benefit as is being claimed, which judgment may kindly be upheld.



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

6. The issue with regard to the grant of minimum scale of pay has been settled by the Hon'ble Supreme Court of India in ***State of Punjab and others vs. Jagjit Singh and others, 2017(1) SCC 148***. The Hon'ble Supreme Court of India has held that all the temporary employees shall be entitled to draw wages at minimum of the pay scale extended to regular employees holding the same post. Keeping in view the clarification given by the Hon'ble Supreme Court of India, the said minimum of pay scale will also carry the grant of dearness allowance admissible.

7. The question which arises for consideration in the present petition is whether, the minimum of the pay scale, as mentioned in the pay band, is to be treated as the minimum of the pay scale or the initial start granted under the revised pay scale w.e.f. 01.12.2011 vide Annexure A-5 is to be treated as minimum of the pay scale for the purpose of fixing the salary of the petitioners.

8. A bare perusal of notification dated 15.12.2011 (Annexure A-5) would show that the pay band which has been granted from 01.12.2011 is Rs.4900-10680/-. This is known as the pay scale. Further, there is a Grade Pay admissible to the employees falling under the Group-D posts which has been set at Rs.1650/-. For a regular employee, whosoever has been appointed in the Group-D posts, the initial start to be given to the said employee is Rs.6950/-. The claim of the petitioners is that initial start @ Rs.6950/- has to be treated as a minimum of the pay scale in the pay scale of Rs.4900-10680/-. It may be noticed that the said contention of the learned counsel for the petitioners, is



not correct. Once, even as per the judgment which is being relied upon by the petitioners, passed by the Hon'ble Supreme Court of India in Civil Appeal No.7062 of 1996 decided on 29.03.1996 title ***Union of India and others vs. Dharampal and others***, the benefit which has been granted to daily/casual workers is that they have to be granted the "minimum of the scale of pay prescribed for the said post".

9. Keeping in view the notification dated 15.12.2011 (Annexure A-5), the minimum of the pay scale prescribed for the said post is Rs.4900/-. In the minimum of pay scale of Rs.4900/-, the Grade Pay @ Rs.1650/- has been added, which come to Rs.6550/-. The petitioners are being granted the said benefit along with the requisite dearness allowance. The claim of the petitioners is that as the regular employee is given the initial start of Rs.6950/-, the petitioners are also to be granted the same by treating the said pay as the minimum of the pay scale. The said contention is incorrect and cannot be accepted. The minimum of the pay scale is the minimum scale for the post as has been prescribed by the competent authority and in the present case, the same is set at Rs.4900/-, which is to be granted to employees whose services have not been regularized yet. Once, the said minimum of the pay scale has been granted to the petitioners being daily/casual workers, they can not claim that the initial pay should be treated as a minimum of the pay scale so as to grant them the benefit of the same.

10. The judgment of the Tribunal which has appreciated all the facts, and declined the relief, cannot be treated to be perverse either to the order passed by the Hon'ble Supreme Court of India, noticed hereinbefore, or even the revised pay scale notification dated 15.12.2011 (Annexure A-5). No



CWP-18962-2016

-: 5 :-

ground is made out for interference by this Court.

11. The present writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 07, 2025
Varinder

Whether speaking/reasoned : Yes

Whether reportable : No