



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17985-2015 (O&M)
Date of decision: 23.04.2026

Gurmeet Singh and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Udeyveer Singh, Advocate,
for the petitioners.

Mr. Amit Kumar Goyal, Addl. A.G., Punjab.

KULDEEP TIWARI, J. (Oral)

1. The petitioners, by way of instant writ petition filed under Articles 226/227 of the Constitution of India, pray for issuance of a Mandamus, upon the respondents to include the length of services rendered by them as Daily Wager, and release the consequential benefits, alongwith interest.

2. Learned counsel for the petitioners submits that, initially, petitioner No.1 was appointed on 01.04.1987 as Pump Operator on daily wage basis, and his services were regularized on 08.11.2001. Likewise, petitioner No.2, was appointed as Mali-cum-Chowkidar on 01.06.1988, and was regularized on 01.08.2005. After regularization of their service, the petitioners are drawing salary at par with the regular employees, along with all admissible benefits. In this view of the matter, he submits claim of the petitioners deserves acceptance, and they are entitled to get the benefit of services rendered on daily wage basis. In this regard, he



relies upon the decisions of the Hon'ble Supreme Court in **State of Punjab and others Vs. Jagjit Singh and Others, (2017) 1 SCC 148;** **State of Punjab Vs. Mukhtiar Singh and others, 2012 (4) RSJ 164;** and a decision dated 12.01.2011, rendered by a Coordinate Bench of this Court in **CWP-6912-2008 (Nasib Singh and others Vs. State of Punjab and others).**

3. On the other hand, learned State counsel submits that the issue involved in the matter at hand has already been contemplated and answered against the petitioners, by a Coordinate Bench of this Court, in its decision dated 13.04.2023, drawn in **CWP-25984-2015 (Rajinder Pal and others Vs. State of Punjab and others),** and connected cases, and thus, the same is no more *res integra*. Further, even the judgments relied upon by learned counsel for the petitioners in **Jagjit Singh** and **Mukhtiar Singh (supra)**, have been taken note of, while declining the relief to the petitioners therein.

4. This Court has heard learned counsel for the parties, and perused the record.

5. Surprisingly, after a lapse of over a decade, the petitioners had woken up from the slumber to approach this Court, seeking minimum pay scale, along with dearness allowance for the entire period, i.e. from initial date of joining till regularization of their services. Be that as it may, admittedly, the Coordinate Bench, before declining the relief to the petitioners therein, has referred to the number of pronouncements of the Hon'ble Supreme Court on the subject issue. The relevant part of the judgment in **Rajinder Pal (supra)**, is extracted hereinbelow:-



“8. A Full Bench of this High Court in **Avtar Singh v. State of Punjab and Others 2011 SCOnline Punjab and Haryana** held that the daily wager, ad hoc or contractual appointee against the regular sanctioned post, if appointed after undergoing a selection process based upon fairness and equality of opportunity to all other eligible candidates, shall be entitled to the minimum of the regular pay scale from the date of such engagement. However, if the daily wager, ad hoc or contractual appointees are not appointed against regular sanctioned posts and their services are availed continuously for a sufficiently long period i.e. for 10 years, then, they shall be entitled to minimum of the regular pay scale without any allowances on the assumption that work of perennial/seasonal nature is available. It was also observed that they shall be entitled to arrears for a period of three years and two months prior to the filing of the writ petitions. Subsequently, in **Jagjit Singh’s case** (supra), the Court on the basis of the principle of equal pay for equal work held that the daily wagers are entitled to grant of the minimum of the pay scale. However, in **State of Bihar and Others v. The Bihar Secondary Teachers Struggle Committee, Munger and Others (2019) 18 SCC 301**, the Supreme Court, in para 97, discussed the judgment passed in **Jagjit Singh’s case** (supra). Thereafter, in para 100 of the said judgment, the Supreme Court noticed that the decision in **Jagjit Singh’s case** (supra) did not take into account the earlier decision rendered in **State of Punjab v. Joginder Singh AIR 1963 Supreme Court 913 and Zabar Singh and Others v. State of Haryana and Others (1972) 2 SCC 275**. Ultimately, the Supreme Court, after discussing the judgment passed in **Secretary, Finance Department and Others vs. West Bengal Registration Service Association and Others 1993 Supp (1) SCC 153**, held as under:-

“104. If a pay structure is normally to be evolved keeping in mind factors such as “method of recruitment” and “employer’s capacity to pay” and if the limitations or qualifications to the applicability of the doctrine of ‘equal pay for equal work’ admit inter alia the distinction on the



*ground of process of recruitment, the stand taken on behalf of the State Government is not unreasonable or irrational. Going by the facts indicated above and the statistics presented by the State Government, it was an enormous task of having the spread and reach of education in the remotest corners. Furthermore, the literacy rate of the State which was lagging far behind the national average was also a matter which required attention. The advances made by the State on these fronts are quite evident. All this was possible through rational use of resources. How best to use or utilise the resources and what emphasis be given to which factors are all policy matters and in our considered view the State had not faltered on any count. As laid down by this Court in the decisions in *Joginder Singh* and *Zabar Singh*, the State was justified in having two different streams or cadres. The attempt in making over the process of selection to Panchayati Raj Institutions and letting the cadre of State Teachers to be a dying or vanishing cadre were part of the same mechanics of achieving the spread of education. These issues were all part of an integrated policy and if by process of judicial intervention any directions are issued to make available same salaries and emoluments to Niyojit Teachers, it could create tremendous imbalance and cause great strain on budgetary resources.”*

9. The judgment passed in ***The Bihar Secondary Teachers Struggle Committee, Munger’s case*** (supra) is subsequent to the judgment passed by the Supreme Court in ***Jagjit Singh’s case*** (supra). Even after noticing that the judgment passed by the Larger Benches in ***Joginder Singh’s case*** (supra) and ***Zabar Singh’s case*** (supra) are not related to daily wagers, it was held that the State is entitled to have two categories of teachers working in the State service. Similarly, while discussing ***Zabar Singh’s case*** (supra), it was held that it is permissible for the State to have two categories of the teachers keeping in view their method of recruitment, retiral benefits, rules for determining



seniority etc. In that case, despite being aware of the factual position, the Supreme Court ultimately refused to issue the writ to mandate the provision of same salaries and emoluments to Niyojit Teachers. The Court ruled that although, the availability of the finances and budgetary constraints may not be the sufficient reasons, however, the scope of judicial review is limited. It is evident that the respondents while defending the petitions have asserted that the petitioners are the back door entrants. Therefore, the petitioners were not appointed through a selection process that was fair and equal to all other eligible candidates. Now, for the last minimum period of 12 years they are regularly getting their pay scale. Hence, at this stage, this Court does not find it appropriate to issue the writ. Consequently, all the writ petitions are dismissed.”

6. When confronted with the abovesaid settled position of law, learned counsel for the petitioners is unable to cite any judicial pronouncement, so as to persuade this Court to arrive at a divergent view. Accordingly, the instant writ petition is **dismissed**.

(KULDEEP TIWARI)
JUDGE

23.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No