



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-6354-LPA-2025 in/and
RA-LP-94-2025 in
LPA-10-2020
Date of Decision: 01.05.2026

State of Haryana and others

...Appellants

Vs.

Abhijeet Singh

...Review applicant

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present: Mr. Keshav Gupta, Advocate for the review applicant.
Mr. Pankaj Middha, Addl. AG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-6354-LPA-2025

Delay of 57 days in filing the accompanying review application, has been satisfactorily explained.

In that view of the matter, the application is allowed and delay of 57 days in filing the review application, is condoned.

RA-LP-94-2025 (O&M)

1. The review applicant was engaged as Computer Programmer on contract basis pursuant to an advertisement contained in Annexure P/1. The appointment letter issued to him specifies the terms and conditions of the engagement, as per which, he was entitled to consolidated salary of Rs.13,000/- per month. The review applicant accepted the appointment and continued to work as such.

2. In the year 2017, a policy decision was taken by the Government of Haryana on 03.11.2017, relying upon the judgment of the Hon'ble Supreme Court in the case of **State of Punjab vs. Jagjit Singh** 2017(1) SCC 148, conferring right of minimum of pay scale to the employees who were engaged in

Part-II of the outsourcing policy. This benefit in terms of policy dated 03.11.2017, was extended to the review applicant and he has been paid minimum of pay scale w.e.f. 01.11.2017, till the period he continued in employment. His disengagement gave rise to filing of the writ petition which was initially allowed. However, in appeal, the judgment of the learned Single Judge has been interfered with on the finding that none junior to the review applicant was retained in service in the concerned district on contractual basis.

3. Now, the review application has been filed stating that the circular dated 03.11.2017, restricting the benefit of minimum of pay scale for those employed under the outsourcing policy w.e.f. 01.11.2017, had already been quashed by the learned Single Judge and this aspect has not been dealt with by the Division Bench while interfering with the judgment of the learned Single Judge. Prayer is accordingly made to direct the respondents – State to release arrears as per notification dated 03.11.2017 from the date of initial engagement offered to the review applicant.

4. Learned State counsel submits that the principles laid down by the Hon'ble Supreme Court in Jagjit Singh (supra) are not applicable in the facts of the present case for release of arrears inasmuch as the review applicant had accepted the terms of his contractual engagement and having done so, he cannot subsequently turned around and claim higher wages without challenging his contractual engagement itself.

5. Having heard learned counsel for the parties, we find substance in the objection raised by the learned State counsel inasmuch as the terms of the engagement offered to the review applicant allowing him consolidated salary of Rs.13,000/- was never challenged. The appointment was accepted by the review applicant with his open eyes. We may, at this juncture, draw a distinction between

minimum wages and minimum of pay scale admissible to an employee. So far as minimum wages are concerned, the notification issued by the State Government prescribing the minimum wages will have to be paid to everyone irrespective of nature of engagement. However, the payment of salary in a particular grade has to be in the context of appointment offered against a particular post. In the present case, the appointment offered to the review applicant was not against a particular post rather it was contractual engagement offered for performing certain works of computerization etc. It was not a case where somebody had worked for a very long period of time and he was not regularized on account of absence of post etc. so that he be compensated by offering him minimum of pay scale. The policy decision of the State of Haryana dated 03.11.2017, for the first time granted benefit of minimum of pay scale for persons such as the review applicant. Since the date of such decision, benefit of minimum of pay scale has been paid to him. The decision of the State of Haryana dated 03.11.2017, therefore, cannot be made basis for claiming arrears when the initial appointment itself prescribing the terms of engagement was not under challenge.

6. In that view of the matter, we do not find any substance in the review application. The same is dismissed accordingly.

7. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

01.05.2026
rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No