
(2011) 02 P&H CK 0204
In the Punjab And Haryana At Chandigarh
Case No : L.P.A. No. 173 of 2003 (O and M)

Major Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 10-02-2011

Acts Referred:

Citation : (2011) 02 P&H CK 0204

Hon'ble Judges : Tej Pratap Singh Mann, J; M.M. Kumar, J

Bench : Division Bench

Judgement

M.M. Kumar, J.—This appeal filed under Clause X of the Letters Patent is directed against the judgment dated 20.11.2002 rendered by the learned Single Judge dismissing a bunch of writ petitions. The short issue raised in the present appeal is whether the Appellants who have been working on daily wage/work charge basis on various posts such as Pump Operators, Mali-cum-Chowkidars, Fitters, Helpers and Petrolman etc. with the Respondents are entitled to the minimum of the pay scale, which is admissible to their counterparts who are drawing regular pay scales. The prayer for grant of minimum of the pay scales was made on the basis of doctrine of "equal pay for equal work". The basis of the claim made by the Petitioners is that they are entitled to get the same relief as has been given to the similarly situated persons, who are working on similar posts, in the same department and also doing the same nature of work on daily wage basis.

2. It is pertinent to mention here that LPA No. 1024 of 2009 State of Punjab and Ors. v. Rajinder Kumar and Ors. and number of other appeals involving similar question of law were disposed of by the Letters Patent Bench (of which one of us, M.M. Kumar, J. was also a member) on 30.8.2010. Accordingly, the Appellants filed C.M. No. 427 of 2011 for deciding the instant appeal in terms of the judgment dated 30.8.2010 passed in the case of Rajinder Kumar (supra). On 3.2.2011, we have issued notice of the said application.

3. At the hearing, reply by way of counter affidavit to the said application has been filed in the Court, which is taken on record. In para 1 of the counter it has

been stated that the State of Punjab has preferred a SLP against the judgment dated 30.8.2010. However, despite our specific query learned State counsel has not been able to show to us that Hon''ble the Supreme Court has stayed the judgment of the Letters Patent Bench, dated 30.8.2010 rendered in Rajinder Kumar''s case (supra). Learned State counsel has, however, made an unsuccessful attempt by referring to various judgments cited in the counter affidavit that the matter may not be disposed of in terms of judgment dated 30.8.2010.

4. Having heard learned Counsel for the parties we find that the issue as noticed in the opening para of this order is no longer res integra and the same is squarely covered by the Letters Patent judgment dated 30.8.2010 passed in the case of Rajinder Kumar (supra) and no detailed discussion is required. Accordingly, this appeal is disposed of in terms of Letters Patent judgment dated 30.8.2010 passed in the case of Rajinder Kumar (supra).