



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

**CWP-1070-2001 (O & M)**

**Date of Decision: 13.05.2025**

Gaffar and others .....Petitioner(s)

Versus

State of Haryana and others ....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. S.K. Garg Narwana, Sr. Advocate,  
with Mr. Vishal Garg Narwana, Advocate,  
Mr. Nitin Sachdeva, Advocate,  
Mr. RPS Jammu, Advocate,  
for the petitioners.

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. H.S. Kaliramna, Advocate,  
for Mr. Prince Singh, Advocate,  
for respondent No.3.

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**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to extend them pay scale as jotted down in the appointment letter.

2. In 1997, many employees of Municipal Corporations across the State went on strike. It created chaos and the State Government decided to issue appointment letter as regular employees to those Sweepers who agreed to join duty. The petitioners, going against their colleagues, joined duty and were issued appointment letters. In one of the appointment letter dated 07.01.1997, pay scale



was duly noted down. The petitioners started getting salary as per their appointment letter. At a later stage, dispute between regular employees and State Government came to be settled. In view of compromise between the parties, all the employees either dismissed or otherwise, came to be brought on roll. It resulted in excess appointment than sanctioned posts. The jurisdictional authorities carried the matter to State Government seeking additional sanctioned posts so that petitioners may be adjusted against the sanctioned posts. The letter dated 22.04.1997 addressed to Financial Commissioner & Secretary is reproduced as below: -

*“From  
Commissioner  
Municipal Corporation,  
Faridabad*

*To  
The Financial Commissioner & Secretary,  
Govt. of Haryana, Local Govt. Deptt.  
Chandigarh.  
Memo No. MCF/CMC/97/351  
Dated 24.4.97*

*Sub: - Creation of posts.  
Reference this office memo NO.MCF /CMC/ 97/  
Spl, dated 4.4.97 on the subject noted above.*

*The Govt. was requested to create following posts which exceeded the sanctioned strength following a decision taken by the Govt. to take back all the striking dismissed employees: -*

<i>Junior Engineer</i>	<i>3</i>
<i>Mali</i>	<i>15</i>
<i>Safai Karamchari</i>	<i>277</i>

*But the decision in this regard has not yet been conveyed to this office. In a meeting held with your goodself on 11.4.97 at Chandigarh, it was desired that an advance of Rs.1500/- per month may be given to all those employees whose salary is held up for want of sanction of the Govt. to create additional posts.*

*It is requested that the aforesaid decision may kindly be confirmed.*



*The Govt. is also requested to convey its decision for the creation of posts as mentioned above to avoid any further financial hardship to the employees who have not been paid the salary for the last 3-4 months.*

*Administrative Officer  
For: Commissioner*

3. Learned counsel for respondent No.3 submits that getting no response from the State Government, the salary of petitioners was reduced and they were treated as contractual employees instead of regular employees.

4. Mr. Raman Sharma, Addl. A.G., Haryana expressed his inability to disclose present status of communication of respondent No.3 with respect to regularization and pay scale of petitioners.

5. From the appointment letters of the petitioners and communication dated 22.04.1997 addressed to Financial Commissioner and Secretary, it is evident that petitioners were appointed as regular employees and they were eligible for regular pay scale, however, on account of reinstatement of dismissed employees, mess was created and respondent No.3 could not resolve the issue and opted to pay lower pay instead of pay as per appointment letter.

6. This Court finds it appropriate to direct State Government to consider claim of petitioners in the light of appointment letters as well as communications of respondent No.3. Let the needful be done within 3 months from today.

7. Disposed of.

8. Pending application, if any, shall also stand disposed of.

13.05.2025  
shivani

(JAGMOHAN BANSAL)  
JUDGE

Whether reasoned/speaking Yes

Whether reportable No