



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

212

Decided on:29.08.2025

1) **CWP-17685-2024**

Ranbir Singh and others . . . Petitioners
Versus

State of Haryana and others . . . Respondents

AND

2) **CWP-22336-2024**

Rikhi Ram and others . . . Petitioners
Versus

State of Haryana and others . . . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ravinder Malik (Ravi), Advocate, for the petitioners.

Mr. Amit Sahni, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

The aforementioned petitions are being decided together as these are based on similar facts giving rise to common questions of law. For brevity, the facts are being noticed from CWP No.17685 of 2024, which has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to extend the benefit of minimum of pay scale alongwith dearness allowance (D.A.) for the post of Edusat chowkidar manned by the petitioners, and re-fix their pay accordingly.



2. It has been averred that the petitioners' appointment as Edusat chowkidar in the Department between 2007 to 2011 has been after following due process of law against vacant sanctioned posts. They have been assigned the duty to look after Edusat equipment installed in government Schools. 'Edusat' is a satellite exclusively devoted to meet the demands of educational sector, it has been launched by the Indian Space Research Organisation (I.S.R.O.) for the purpose of distant class room education in schools. The petitioners' engagement for security of this expensive equipment was in terms of the government instructions, dated 01.05.2007, authorising the Gram Panchayats to appoint Chowkidars from the villages for the purpose. They are continuing in service for over fifteen years, and performing duties to the satisfaction of the superiors. Their working hours are strenuous, as they have to work from 02:00 p.m. to 08:00 a.m. on working days and for full day and night on holidays. Initially they were engaged on fixed salary basis which was much lower than minimum of pay scale of their regular counterparts working in the Department, though the nature of duty being performed was similar. Despite the issue of discrimination having been raised, they were not given minimum wages or salary equivalent to regular Chowkidars. However, vide memo dated 17.05.2012, Annexure P-3, a decision was taken that Edusat chowkidars shall be given weekly rest and paid minimum wages, and will also be provided with a blanket, stick, battery etc. as per Rules. Strangely, this decision was never implemented.

2.1 In these circumstances, some of the Edusat chowkidars working in the Department approached the Labour Court-cum-Industrial Tribunals at Ambala and Hisar by filing applications under Section 33-C (2) of the Industrial Disputes Act, 1947, which were allowed vide awards dated 21.05.2014 and 02.12.2014, holding the workmen/Edusat chowkidars entitled to minimum



wages. The award was challenged by the State of Haryana before this Court by filing a petition, CWP-23769-2014 titled *State of Hayana and others v. Sh. Suresh Kumar and others*, and connected cases, which were dismissed vide judgment dated 13.01.2017, upholding the Labour Courts' awards. The State filed Letters Patent Appeals against the judgment, which were disposed of in terms of consent order passed by the Division Bench, dated 20.02.2019, in LPA-1273-2018 and connected matters, by modifying the judgment dated 13.01.2017 to the extent that payment of remuneration/honorarium to Edusat chowkidars would be made in terms of Government instructions. Relevant paragraphs of the judgment read as under:

Subsequently, learned Advocate General, Haryana made a request to grant time to enable the State Government to examine the matter and to take a reasoned decision in accordance with law. On number of occasions the proceedings were adjourned for the purpose. Today, an affidavit of the Director Elementary Education, Haryana, Panchkula, has been filed wherein it is stated that the State Government has finally decided that all the 4288 Chowkidaars will be given honorarium at par with Revenue Chowkidaars. It may be relevant to reproduce the following from the said affidavit:

Therefore, the State Government has finally decided that the 4288 chowkidaars will be given honorarium at par with Revenue chowkidaars since their engagements was on the basis of the honorarium, not appointed to any civil post but only to meet out the local needs for specific purposes and accordingly the arrears amount was calculated which came around Rs.105,58,89,984/- (One Hundred and Five Crore, Fifty Eight Lakh, Eighty Nine Thousand Nine Hundred Eighty Four only) from June 2011 till 18.02.2019. Thus, the EDUSAT chowkidaars can be paid on the pattern of Revenue Department as follows:-



Sr. No.	Dated	Honorarium (Monthly)	Uniform Allowance (Yearly)	Lathi & Battery Allowance (Yearly)
01	01.11.1996	400	250	-
02	1997	400	500	-
03	01.03.2006	1000	1000	250
04	01.04.2009	1500	1500	500
05	01.01.2011	2000	1500	500
06	01.04.2013	2500	2000	750
07	01.01.2014	3500	2000	750
08	01.04.2018	7000	2500	1000

The copy of this affidavit have been duly served upon the learned counsel for the respondents who after gone through the contents stated that they are fully satisfied with the decision taken by the State Government and with the consent of the learned counsel for the parties the order passed by the learned Single Judge stands modified to the extent that in view of the decision taken by the State Government the payments to the respondents herein shall be made in terms thereof. These intra Court appeals stand disposed of in terms noted hereinabove with the consent of the learned counsel for the parties.

2.2 Although the petitioners were not a party to the aforementioned writ petitions or LPAs, the respondents started giving them monthly honorarium in terms of affidavit filed before the Division Bench, i.e., at the rate of ₹7,000 with ₹2,500 as uniform allowance and ₹1,000 as *lathi*/stick and battery allowance, with effect from 01.04.2018. They have now approached the Court by filing the instant petition.

3. Learned counsel for the petitioners contends that the petitioners are performing same duties of Chowkidar as are being performed by their counterparts working on regular basis in the Department, and they have the



requisite qualifications of the post as well. Accordingly, they are entitled to the minimum of pay scale alongwith dearness allowance as is being given to their counterparts on the principal of 'equal pay for equal work' laid down by the Supreme Court in *State of Punjab and others v. Jagjit Singh and others*, (2017) 1 SCC 148, and clarified in SLP (Civil) No. 25389 of 2011 titled *Bahadur Singh and others v. Jaspreet Kaur Talwar and others*, vide order dated 16.08.2022.

4. *Per contra*, learned State counsel contends that the petitioners are not entitled to claim minimum pay scale meant for the post along with dearness allowance as all Edusat chowkidars in the Department are being paid in terms of consent order, dated 20.02.2019, passed by the Division Bench. The petitioners were appointed by the Government in terms of instructions, dated 01.05.2007, which were to the effect remuneration of Edusat chowkidar would be restricted to the honorarium of ₹1,000 per month, which was enhanced by the government to ₹7,000 per month plus allowances in terms of the orders aforementioned. Therefore, they cannot be held entitled to anything beyond. He, however, does not dispute the petitioners' appointment as Edusat chowkidars to look after Edusat equipment in Elementary Schools located in rural areas against vacant posts between 2007 to 2011, as averred by them, nor have these averments been denied specifically. There is no dispute about their qualifications for the post as well.

5. Submissions made by learned counsel for the parties have been considered.

6. As per conceded position on record, the petitioners have been appointed as Edusat chowkidars by the respondent Department in terms of Government instructions, dated 01.05.2007, to look after Edusat equipment in



Elementary Schools. Initially, the petitioners were paid honorarium of ₹1,000 per month, which was enhanced to ₹7,000 alongwith uniform, battery and *lathi*/stick allowance in terms of the Division Bench judgment dated 20.02.2019. The contention by learned State counsel that they remain entitled only to payment of monthly honorarium and allowances in terms of the judgment and cannot claim anything beyond, is misconceived. Undisputedly, they were never a party to the *lis* which was finally disposed of by the Division Bench on the basis of an agreement between the parties therein. Also, the petitioners' acceptance of enhanced honorarium in terms therewith cannot disentitle them to seek its increase in future, including the minimum of the pay scale on the principle of 'equal pay for equal work'. The acceptance was not in derogation of their rights, nor did they ever undertake not to demand further enhancement or salary in the minimum of pay scale meant for the post. The respondents' opposition to the petitioners' claim in the face of these facts only amounts to adopting unfair practices and perpetuating the unjust state of existing remuneration/honorarium till the Government decides to increase it in future, and if at all it does. The petitioners' entitlement to the claimed relief cannot be denied because there is no dispute about their appointment against sanctioned posts in the Department as per the procedure prescribed. Also, that they are qualified to hold the posts and the nature of duties being performed are similar to the ones being performed by regular Chowkidars in the Department. Not only the petitioners are being paid far less as compared to their regular counterparts, they are being made to work for longer duration every day as compared to the regular appointees. All this cannot be termed anything but unethical and exploitative. It is rather disturbing to note that the Government, which is supposed to act against such practices, is itself indulging in them. This



cannot be countenanced, and the petitioners' right to get pay in the minimum of pay scale of their counterparts has to be vindicated.

7. It is also settled as per law laid down in *Jagjit Singh* case (*supra*) that for application of the principle of 'equal pay for equal work' for temporary/contractual employees, the factor which requires determination is, whether they are rendering similar duties and responsibilities as being discharged by their regular counter-parts holding same/corresponding posts. In case it is so, they will have a right to minimum of the pay scale of regularly engaged government employees holding the same posts. The relevant paragraph of the judgment reads as under:

60. Having traversed the legal parameters with reference to the application of the principle of 'equal pay for equal work', in relation to temporary employees (daily-wage employees, ad-hoc appointees, employees appointed on casual basis, contractual employees and the like), the sole factor that requires our determination is, whether the employees concerned (before this Court), were rendering similar duties and responsibilities as were being discharged by regular employees holding the same/corresponding posts. This exercise would require the application of the parameters of the principle of "equal pay for equal work" summarised by us in para 42 above. However, insofar as the instant aspect of the matter is concerned, it is not difficult for us to record the factual position. We say so, because it was fairly acknowledged by the learned counsel representing the State of Punjab, that all the temporary employees in the present bunch of appeal, were appointed against posts which were also available in the regular cadre/establishment. It was also accepted that during the course of their employment, the temporary employees concerned were being randomly deputed to discharge duties and responsibilities which at some point in time were assigned to regular employees. Likewise, regular employees holding



substantive posts were also posted to discharge the same work which was assigned to temporary employees from time to time. There is, therefore, no room for any doubt, that the duties and responsibilities discharged by the temporary employees in the present set of appeals were the same as were being discharged by regular employees. It is not the case of the appellants, that the respondent employees did not possess the qualifications prescribed for appointment on regular basis. Furthermore, it is not the case of the State that any of the temporary employees would not be entitled to pay parity on any of the principles summarised by us in paragraph 42 hereinabove. There can be no doubt, that the principle of “equal pay for equal work” would be applicable to all the temporary employees concerned, so as to vest in them the right to claim wages at par with the minimum of the pay scale of regularly engaged government employees holding the same post.

8. The next issue that arises for consideration is whether the contractual employees like the petitioners, who are entitled to claim minimum of pay scale meant for the post they are working against on the principle of ‘equal pay for equal work’, should also get equal dearness allowance as being paid to their regular counterparts. The regular employees get salary in a prescribed scale of pay which remains static for a particular period till it is revised. But the value of money paid in the form of salary under the scale would not be thus; it may deplete with time due to inflation in the economy. And to offset the same in some measure, employees are paid dearness allowance at a fixed percentage of basic pay which is revised from time to time depending on various factors including the Consumer Price Index (CPI), which is used to gauge the cost of living. As laid down in *Hindusthan Motors Workers’ Union v. Hindusthan Motors Ltd. and another*, 1962 SCC OnLine SC 140, also “The whole purpose of dearness allowance being to neutralise a portion of the



increase in the cost of living, it should ordinarily be on a sliding scale and provide for an increase on rise in the cost of living and a decrease on a fall in the cost of living.” Evidently, this allowance is added to the employees’ basic pay to ensure that they keep getting pay carrying the same value as they are entitled to in the scale of pay meant for the post held by them. In case this factor is not taken into account, and the employees’ basic pay with grade pay is frozen till the next revision of scales, they would end up getting far less pay as against the entitlement if determined in terms of value of money, which would be unjust. To prevent this situation to arise, the Government pays dearness allowance to its employees which is accordingly considered a part of basic pay being only an addition to its depleted value, and not an increase of pay. Given this logic, there is no reason the contractual employees like the petitioners should be deprived of the allowance. It is not that value of the money they get as salary remains static over time, or is immune from adverse inflationary effects. Therefore, denying the benefit of dearness allowance to them is unjust and arbitrary. Once dearness allowance is considered a part of basic pay plus grade pay for their regular counterparts, it has to be the same for the petitioners as well, on the principle of ‘equal pay for equal work’. Accordingly, the minimum of the pay scale payable to them means basic pay with grade pay and dearness allowance.

9. In this regard, it is apt to refer to the observation/clarification by the Supreme Court in *Bahadur Singh and others v. Jaspreet Kaur Talwar and others*, 2022 SCC Online SC 1077, which was made while dealing with a contempt petition regarding implementation of the directions issued in *Jagjit Singh* case (*supra*). The relevant paragraphs of the judgment read as under:

3. Paragraph 55 of the decision in *Jagjit Singh* (*supra*) was to the following effect:



"55. In view of all our above conclusions, the decision rendered by the Full Bench of the High Court in *Avtar Singh v. State of Punjab* [*Avtar Singh v. State of Punjab*, 2011 SCC OnLine P&H 15326: ILR (2013) 1 P&H 566], dated 11-11-2011, is liable to be set aside, and the same is hereby set aside. The decision rendered by the Division Bench of the High Court in *State of Punjab v. Rajinder Singh* [*State of Punjab v. Rajinder Singh*, 2009 SCC OnLine P&H 125] is also liable to be set aside, and the same is also hereby set aside. We affirm the decision rendered in *State of Punjab v. Rajinder Kumar* [*State of Punjab v. Rajinder Kumar*, 2010 SCC OnLine P&H 13009], with the modification that the employees concerned would be entitled to the minimum of the pay scale, of the category to which they belong, but would not be entitled to allowances attached to the posts held by them."

4. Notably, the expression "pay" was considered by this Court in Contempt Petition (Civil) Nos.699-700 of 2015, *Tej Singh v. Sarvesh Kaushal*, arising out of decision dated 11.05.2015 in *Grah Rakshak, Home Guards Wel. Asso. v. State of H.P.* and connected matters, Civil Appeal No.2759 of 2015 Etc. In its order dated 04.05.2016 passed in said Contempt Petitions, this Court observed:

"After hearing learned counsel for the parties, we are of the opinion that the expression "minimum of the pay" mentioned in paragraph 22 is intended to mean not only the basic pay + grade pay, but also the dearness allowance that comes along with the basic pay and grade pay. This is in the context of the view expressed by this Court denying regular appointments to the petitioners, while taking into consideration the fact that the services of the Home Guards are used during an emergency and for other purposes and at the time of their duty they are empowered with the power of police personnel.



Accordingly, we make it clear that the word “minimum of the pay” used in paragraph 22 of the judgment and order dated 11th March, 2015 means the basic pay + grade pay + dearness allowances + washing allowance.”

5. and 6. xxx xxx

7. It is, therefore, directed that the amounts payable to all the contempt petitioners towards Dearness Allowance shall be made over to them within six weeks from today.

10. In view of the discussion, these petitions are allowed and the respondents are directed to give the petitioners minimum of pay scale with dearness allowance payable for the post of Chowkidar in the Department. They shall also be entitled to arrears of pay from thirty-eight months prior to filing of the petitions, along with interest at the rate of six per cent per annum from the due date till the date of actual payment. These directions are to be carried out within four weeks of receiving a certified copy of the judgment.

11. A photocopy of this order be placed on the case file(s) of connected matter(s).

(TRIBHUVAN DADHIYA)
JUDGE

29.08.2025
Mehak

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No