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CWP-21922-2026 (O&M)
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-21922-2026(O&M)
Decided on. 24.08.2026

CHANDIGARH ADMINISTRATION AND OTHERS

....PETITIONERS

Vs.

NANU RAM AND ANOTHER

....RESPONDENTS

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE MINDERJEET YADAV

Present: Ms. Madhu Dayal, Advocate and
Mr. Abhishek Premi, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition is challenging the order dated 03.02.2025 passed by the Tribunal, whereby the respondent no.1 has been granted the benefit of the minimum of the pay scale of Group-D post against which he is working. The petitioners challenge the said benefit on the ground that the same is contrary to the judgment of the Hon'ble Supreme Court in *Union of India and others v. Ilmo Devi and others*, Civil Appeal Nos.5689-5690 of 2021.

2. Certain facts need to be noticed for the correct appreciation of the issue in controversy.

3. The petitioner-Chandigarh Administration has been engaging personnel on a part-time basis for performing duties of the Class-IV posts which are still required to be performed. Part-time employees were appointed and such appointees are presently working for six hours a day, whereas a regular employee works for eight hours a day.

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4. It may be noticed that the respondent is a Class-IV employee and has been performing essential duties for the petitioners. He has been working with the petitioners for the last 23 years. During this period, he has been paid wages at DC rates. He claimed the benefit of the minimum of the pay scale attached to the post against which he has been working which claim has been allowed by the Tribunal.

5. The Learned Counsel for the respondent relied upon the fact that similarly situated part-time Class-IV employees had already been granted the benefit of the minimum of the pay scale by the Tribunal. The benefit granted to those employees has continued and they are still receiving the same. The Tribunal allowed the claim of the respondent on the ground that he was similarly situated to those employees who had already been granted the benefit. The said order as passed by the Tribunal has been challenged before this Court.

6. The Learned Counsel for the petitioner very fairly submits that though the grant of such benefit has been allowed to be continued by the Hon'ble Supreme Court of India in *Ilmo Devi (supra)*, but the same may not be admissible to the respondents herein, which fact was required to be looked into by the Tribunal rather than the relying upon the fact that the similarly situated employees have already been extended with such benefit and continuing receiving such benefit of the grant of the minimum of the pay scale.

7. We have heard the learned counsel for the parties and have gone through the record of the case with the able assistance of the learned counsels. It may be noticed that the benefit of the minimum of the pay scale to Class IV employees working for up to 6 hours a day has been extended, keeping in view the judgment rendered by the Hon'ble Supreme Court of India in *State of Punjab and versus Jagjit Singh*, Civil Appeal No.213 of 2013, wherein under paragraph

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57, court observed:-

“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 concerned employees (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’ summarized by us in paragraph 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 appeals, 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 concerned temporary employees 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 summarized 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 concerned temporary employees, 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 grant of the benefit of the minimum of the pay scale, was challenged before this court in CWP No.9167 of 2027 and CWP No.6854-CAT-2008 and this ultimately led to the filing of the Civil Appeal before the Hon’ble Supreme Court of India in Ilmo Devi (Supra), under para No.8.9 of the said judgment, Court observed:-

“Though, we are of the opinion that even the direction contained in paragraph 23 for granting minimum basic pay of Group ‘D’ posts from a particular date to those, who have completed 20 years of part-time daily

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wage service also is unsustainable as the part-time wagers, who are working for four to five hours a day and cannot claim the parity with other Group 'D' posts. However, in view of the order passed by this Court dated 22.07.2016 while issuing notice in the present appeals, we are not quashing and setting aside the directions contained in paragraph 23 in the impugned judgment and order so far as the respondents' employees are concerned. "

9. It is a settled principle of law that similarly situated persons cannot be treated differently without a reasonable basis. The benefit of the minimum of the pay scale granted by the competent Court of law, which benefit has not been withdrawn by the Supreme Court of India in *Ilmo Devi* (supra) and has been extended to the similarly situated employees by Chandigarh Administration then later on Chandigarh Administration cannot be allowed to continue that payment of the minimum of the pay scale to one set of part-time employees and deny the same benefit to another similarly situated employee belonging to the same class, unless there is some valid distinction between them.

10. The net result is that, as of now, almost all employees working on a part-time basis have been granted the benefit of a minimum of the pay scale, except the respondent herein, who had also approached the Court claiming such a benefit. Keeping in view the said fact, the Tribunal allowed the benefit of the minimum of the pay scale to the lone respondent.

11. It may be noticed that, in *Ilmo Devi* (supra), directions were issued on the ground that there were no sanctioned posts and that no prescribed process had been followed at the time of initial recruitment. It may further be noticed that, qua such part-time employees of the Chandigarh Administration who have been working for more than two and a half decades, directions have already been issued by this Court for regularisation, which judgment has been upheld, keeping in view the law subsequently laid down in *Jaggo versus Union of India, SLP(C)*

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No.5580 of 2024. The relevant paragraph of the said judgment is reproduced hereinunder:-

“26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.”

12. After the judgment in *Ilmo Devi* (supra), the law even qua part-time employees has undergone a change, whereby such service has been upheld to be considered even for the purpose of regularisation of services. Hence, once such part-time service has been directed to be treated as valid service for the purpose of regularisation, and the said judgment has attained finality, in view of the subsequent law, the non-grant of the minimum of the pay scale on the ground that the employee is working on a part-time basis needs to be considered in the light of the subsequent developments. This is particularly so in the case of a lone

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employee who is not enjoying the same benefit despite the order passed qua similarly situated candidates in *Ilmo Devi*.

13. Keeping in view the totality of the circumstances mentioned hereinabove, the grant of the benefit of the minimum of the pay scale to an employee who has rendered more than two and a half decades of service is warranted. Keeping in view the detailed facts of the case, particularly the law laid down by the Hon'ble Supreme Court of India recently in *Civil Appeal No.8157 of 2024 titled as Shripal and another vs. Nagar Nigam, Ghaziabad, decided on 31.01.2025 and in Civil Appeal No.8558 of 2018 titled as Dharam Singh and others versus State of U.P. and another, decided on 19.08.2025, and Jaggo versus Union of India and others, in SLP No.5580 of 2024*, where even in cases in which the initial appointment had been made contrary to the rules, without fulfillment of the requisite qualifications and in the absence of a regular post, such service of part time employees has been considered for the purpose of granting the benefit of regularisation thus, this Court finds no ground to deny the benefit of at least minimum of the pay scale in the present case.

14. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

15. Accordingly, the writ petition is dismissed.

16. Pending miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

24.08.2026

poonam

(MINDERJEET YADAV)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No