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Office Time: 10:00 am to 1:00 pm, 4:00pm to 7:00 pm

A consultancy firm to provide help for the problems of govt. employees & retired pensioners

ਬਰਾਬਰ ਕੰਮ ਲਈ ਬਰਾਬਰ ਤਨਖਾਹ ਆਰਜੀ ਮੁਲਾਜਮਾਂ ਤੇ ਵੀ ਲਾਗੂ : ਸੁਪਰੀਮ ਕੋਰਟ

ਆਰਜੀ ਮੁਲਾਜਮ ਰੇਗੂਲਰ ਮੁਲਾਜਮਾਂ ਦੇ ਬਰਾਬਰ ਤਨਖਾਹ **Sanctioned Posts** ਉਪਰ ਲੈ ਸਕਦੇ ਹਨ। ਸੁਪਰੀਮ ਕੋਰਟ **Civil Appeal No. 213 Of 2013 State Of Punjab & Ors V/s Jagjit Singh** 'ਚ ਮਾਨਯੋਗ ਜੱਜ ਜੇ.ਐਸ ਖੇਹਰ ਅਤੇ ਐਸ.ਏ.ਬੋਬਡ ਦੇ 102 ਸਫੇ ਦੇ 26-10-2016 ਦੇ ਫੈਸਲੇ ਅਨੁਸਾਰ ਬਰਾਬਰ ਕੰਮ ਲਈ ਬਰਾਬਰ ਤਨਖਾਹ ਦਾ ਸਿਧਾਤ **Daily Wages/ Temporary Worker** ਅਤੇ ਠੇਕੇ ਦੇ ਮੁਲਾਜਮਾਂ ਤੇ ਵੀ ਲਾਗੂ ਹੋਵੇਗਾ ਜਿਹੜੇ **Proper Selection Procedure** ਰਾਹੀਂ **Sanctioned Posts** ਲੱਗੇ ਹੋਏ ਹਨ ਅਤੇ ਉਹ ਰੇਗੂਲਰ ਮੁਲਾਜਮਾਂ ਦੇ ਬਰਾਬਰ ਕੰਮ ਕਰਦੇ ਹਨ । ਸੰਵਿਧਾਨ ਅਨੁਸਾਰ ਬਰਾਬਰ ਕੰਮ ਲਈ ਨਿਯੁਕਤ ਕਰਮਚਾਰੀ ਨੂੰ ਰੇਗੂਲਰ ਕਰਮਚਾਰੀਆ ਦੇ ਮੁਕਾਬਲੇ ਘੱਟ ਤਨਖਾਹ ਨਹੀਂ ਮਿਲ ਸਕਦੀ ਜਦਕਿ ਉਹ ਬਰਾਬਰ ਜਿੰਮੇਵਾਰੀ ਨਿਭਾਉਂਦਾ ਹਨ। ਇਸ ਫੈਸਲੇ ਦਾ ਲਾਭ 3442, 7654, 5178, **C.S.S., S.S.A. ਅਤੇ E.G.S. / A.I.E. / S.T.R.** ਸਕੀਮ ਅਧੀਨ ਲੱਗੇ ਅਧਿਆਪਕ ਅਤੇ ਹੋਰ ਵਿਭਾਗ ਦੇ ਕਰਮਚਾਰੀ ਵੀ ਲੈ ਸਕਦੇ ਹਨ। ਜੇ ਕਰਮਚਾਰੀ **Daily Wages, Temporary Workers** ਅਤੇ ਠੇਕੇ ਉਪਰ **Proper Selection Procedure** ਨਾਲ ਨਹੀਂ ਲੱਗੇ ਉਹ 10 ਸਾਲਾ ਦੀ ਸੇਵਾ ਤੋਂ ਬਾਅਦ **Minimum Pay Scale Without Any Allowances** ਲੈ ਸਕਦੇ ਹਨ ਜਿਵੇ:- ਪਾਰਟ ਟਾਈਮ ਸਵੀਪਰ ਅਤੇ ਸਿੱਖਿਆ ਪ੍ਰੋਵਾਈਡਰ। ਉਨ੍ਹਾਂ ਨੂੰ 38 ਮਹੀਨੇ ਦਾ ਬਕਾਇਆ ਰਿੱਟ ਕਰਨ ਦੀ ਮਿੱਤੀ ਤੋਂ ਪਹਿਲਾਂ ਦਾ ਮਿਲ ਸਕਦਾ ਹੈ।

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**A consultancy firm to provide help for the problems of govt. employees & retired pensioners
PERFORMA (ENGLISH CAPITAL LETTERS) Writ Regarding Equal Pay For Equal Work
For E.G.S. / A.I.E. / S.T.R.**

Name & Father's Name	
Category	
School Name and BPEO Address	
Date Of Birth	
Aadhar Card No.	
Date Of Appointment by PSWK	
Initial Pay	
Period of work before training	
Session of training as ETT	
Date of passing the PSTET 1 or 2	
Date Of Appointment after E.T.T. Course	
Initial Pay After E.T.T. Course	
Qualification	
Mobile Number & Whats App Number	
Email Address	
Residence Address	
Signature	

Important Points:-

1. In case of elementary school, write the name of B.P.E.O. Block.
2. In case of female, write the name of husband in address.
3. Send one copy of performa by whatsapp and one by post.
4. Send one copy of Power Of Attorney by whatsapp and one by post.
5. Write tehsil and distt. name in school and residence address.
6. Send one copy of Aadhar Card by whatsapp and one by post.

Paytm Payment Mobile Number:- 9915031482
Google Pay Payment Mobile Number:- 9915031482
PhonePe Payment Mobile Number:- 9915031482

State Bank of India Budhlada
Distt. Mansa(Punjab)
Current A/c No.39453963229
In Favour of: Krishana Consultancy
IFSC Code: SBIN0050050
Whatsapp No - 98157-13297

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PERFORMA (ENGLISH CAPITAL LETTERS) Writ Regarding Equal Pay For Equal Work

Name	
Father's Name	
Designation	
School / Office Name	
Date Of Birth	
Aadhar Card No.	
Date Of Appointment	
Category	
Initial Pay	
Date Of Regular Grade with Full Pay	
Mobile Number	
Whats App Number	
Email Address	
Residence Address	
Signature	

Important Points:-

1. In case of middle school, write the name of complex school.
2. In case of elementary school, write the name of B.P.E.O. Block.
3. In case of female, write the name of husband in address.
4. Send one copy of performa by whatsapp and one by post.
5. Write tehsil and distt. name in school and residence address.
6. Send one copy of Aadhar Card by whatsapp and one by post.

Paytm Payment Mobile Number:- 9915031482
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State Bank of India Budhlada
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Saving A/c No.39453963229
In Favour of: Krishana Consultancy
IFSC Code: SBIN0050050
Whatsapp No - 98157-13297

POWER OF ATTORNEY

In the Court of

.....

VERSUS

.....

[Plaintiff/Appellant
Complainant
Petitioner

[Defendant
Respondent,
Accused

KNOW ALL to whom these present shall come that I/We undersigned appoint

for the in the above mentioned case to do all the following acts deeds and things or any of them that is to say :-

1. To act appear and plead in the above mentioned case in the court or any other Court in which the same may be tried or heard in the execution or in any stage of its progress until its final decision.
2. Present pleading appeals letter patent appeal cross objection or petitions for execution review, revisions withdrawal compromise or other petitions or affidavit or other documents as shall deemed necessary or advisable for the prosecution of the said case in all its stage.
3. To file and take back documents and to file application for restoration there of in case it is dismissed in default.
4. To withdraw or compromise the said case or submit for arbitration any difference or disputes that shall arise touching or in any manner relating to the said case.
5. To deposit draw any receive money and grant receipt there of and to do all other acts and things which may be necessary to be done for the progress and in the case of prosecutions of said case.
6. To employee and other legal practitioner authorising him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

And I/We hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of said for hearing case in consequence from the court when the said case is called up or for any negligence of the said Advocate or his substitute.

And I/We hereby agree that in the event of whole or any part of fee agreed by me to be paid to the Advocate, remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid if any costs are allowed for an adjournment the advocate would be entitled to the same.

IN WITNESS WHERE OF I/We agree to set my/our hands to the represent the contents of which have been explained to understand by me/us this the

.....day..... 20.....

(Signature or Thumb Impression of client)

Accepted :

‘ਬਰਾਬਰ ਕੰਮ ਲਈ ਬਰਾਬਰ ਤਨਖਾਹ’ ਆਰਜ਼ੀ ਮੁਲਾਜ਼ਮਾਂ ‘ਤੇ ਵੀ ਲਾਗੂ

ਨਵੀਂ ਦਿੱਲੀ (ਪੀਟੀਆਈ) : ਇਕ ਮਹੱਤਵਪੂਰਨ ਫ਼ੈਸਲੇ ‘ਚ ਸੁਪਰੀਮ ਕੋਰਟ ਨੇ ਕਿਹਾ ਕਿ ਬਰਾਬਰ ਕੰਮ ਲਈ ਬਰਾਬਰ ਤਨਖਾਹ ਦਾ ਸਿਧਾਂਤ ਦਿਹਾੜੀਦਾਰਾਂ ਅਤੇ ਠੇਕੇ ਦੇ ਮੁਲਾਜ਼ਮਾਂ ‘ਤੇ ਵੀ ਲਾਗੂ ਹੋਵੇਗਾ ਜਿਹੜੇ ਨਿਯਮਿਤ ਮੁਲਾਜ਼ਮਾਂ ਦੇ ਬਰਾਬਰ ਕੰਮ ਕਰਦੇ ਹਨ। ਬਰਾਬਰ ਕੰਮ ਲਈ ਬਰਾਬਰ ਤਨਖਾਹ ਤੋਂ ਇਨਕਾਰ ਨੂੰ ਸੁਪਰੀਮ ਕੋਰਟ ਨੇ ਸ਼ੋਸ਼ਣਕਾਰੀ ਦਾਸਤਾਂ, ਅੰਤਿਆਚਾਰੀ, ਦਮਨਕਾਰੀ ਅਤੇ ਲਾਚਾਰ ਕਰਨ ਵਾਲਾ ਕਰਾਰ ਦਿੱਤਾ।

ਅਦਾਲਤ ਨੇ ਕਿਹਾ ਕਿ ਇਕ ਕਲਿਆਣਕਾਰੀ ਰਾਜ ‘ਚ ਇਹ ਸਿਧਾਂਤ ਆਰਜ਼ੀ ਕਰਮਚਾਰੀਆਂ ‘ਤੇ ਵੀ ਲਾਗੂ ਕਰਨਾ ਪਵੇਗਾ। ਜਸਟਿਸ ਜੇ ਐੱਸ ਖੇਰਰ ਅਤੇ ਐੱਸਏ ਬੋਮਡੇ ਦੇ ਬੈਂਚ ਨੇ ਕਿਹਾ ਕਿ ਸਾਡਾ ਮੰਨਣਾ ਹੈ ਕਿ

ਮਿਹਨਤ ਦਾ ਫਲ ਦੇਣ ਤੋਂ ਇਨਕਾਰ ਕਰਨ ਵਾਲੇ ਨਕਲੀ ਸਟੈਂਡਰਡ ਤੈਅ ਕਰਨਾ ਦੋਸ਼ਪੂਰਨ ਹੈ। ਬਰਾਬਰ ਕੰਮ ਲਈ ਨਿਰਧਾਰਤ ਕਰਮਚਾਰੀ ਨੂੰ ਹੋਰਨਾਂ ਕਰਮਚਾਰੀਆਂ ਦੇ ਮੁਕਾਬਲੇ ਘੱਟ ਤਨਖਾਹ ਨਹੀਂ ਮਿਲ ਸਕਦੀ ਜਦਕਿ ਉਹ ਬਰਾਬਰ ਸਿੱਖਿਅਕ ਨਿਭਾਉਂਦਾ ਹੋਵੇ। ਅਸਲ ‘ਚ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਕੁਝ ਆਰਜ਼ੀ ਕਰਮਚਾਰੀਆਂ ਨੇ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਦੇ ਫ਼ੈਸਲੇ ਖ਼ਿਲਾਫ਼ ਸੁਪਰੀਮ ਕੋਰਟ ‘ਚ ਅਪੀਲ ਕੀਤੀ ਸੀ। ਹਾਈ ਕੋਰਟ ਨੇ ਆਪਣੇ ਫ਼ੈਸਲੇ ‘ਚ ਕਿਹਾ ਸੀ ਕਿ ਆਰਜ਼ੀ ਕਰਮਚਾਰੀ ਨਿਯਮਤ ਪੇ ਸਕੇਲ ਦੀ ਘੱਟੋ ਘੱਟ ਤਨਖਾਹ ਸਿਰਫ਼ ਇਸ ਲਈ ਹੱਕਦਾਰ ਨਹੀਂ ਹੋ ਜਾਂਦੇ ਕਿ ਉਨ੍ਹਾਂ ਤੇ ਨਿਯਮਿਤ ਕਰਮਚਾਰੀਆਂ ਦੇ ਕੰਮ ਬਰਾਬਰ ਹਨ।

Pay temporary workers on par with regulars, SC tells state

R SEDHURAMAN
 LEGAL CORRESPONDENT

NEW DELHI, OCTOBER 27

The Supreme Court has directed the Punjab Government to pay salary and allowances to daily wage/temporary workers—pump operators, fitters, helpers, drivers, plumbers, chowkidars and others—on a par with regular staff, going by the principle of “equal pay for equal work”.

“There can be no doubt, that the principle of ‘equal pay for equal work’ will 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,” a Bench comprising Justices JS Khehar and SA Bobde held in a 102-page judgment

“There can be no doubt, that the principle of ‘equal pay for equal work’ will 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.”



Supreme Court Bench

on a batch of CROSS appeals by the state government and affected workers.

The appeals were filed in the wake of conflicting judgments by two Division Benches of the Punjab and Haryana, one holding that temporary employees were not entitled to equal pay and the other holding the contrary view.

A full Bench of the HC had, however, put the temporary employees in two categories – those appointed against regular sanctioned posts through a selection process and those working for more than 10

years on non-sanctioned posts. While the first category was entitled to equal pay and allowances, the second category would get only equal pay, not allowances. In addition, the second category would be considered for regularisation.

The SC, however, ruled yesterday that: “In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour. An employee engaged for the same work, cannot be paid less than another, who performs the same duties and responsibilities.

“Certainly not, in a welfare state. Such an action besides being demeaning, strikes at the very foundation of human dignity. Any one, who is compelled to work at a lesser wage, does not do so voluntarily. He does so, to provide food and shelter to his family, at the cost of his self-respect and dignity, at the cost of his self-worth, and at the cost of his integrity.

“For he knows that his dependents would suffer immensely, if he does not accept the lesser wage. Any act, of paying less wages, as compared to others similarly situated constitutes an act of exploitative enslavement, emerging out of a domineering position.

“Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation.”



ਬਰਾਬਰ ਕੰਮ ਲਈ ਬਰਾਬਰ ਤਨਖਾਹ ਆਰਜੀ ਮੁਲਾਜ਼ਮਾਂ 'ਤੇ ਵੀ ਲਾਗੂ : ਸੁਪਰੀਮ ਕੋਰਟ

ਸੁਪਰੀਮ ਕੋਰਟ Civil Appeal No. 223 Of 2013 State Of Punjab & Ors. V/s Jagjit Singh 'ਚ ਮਾਨਯੋਗ ਜੱਜ ਜੇ. ਐਸ. ਖੇਹਰ ਅਤੇ ਐਸ. ਏ. ਬੋਬਡ ਦੇ 102 ਸਫੇ ਦੇ 26-10-2016 ਦੇ ਫੈਸਲੇ ਅਨੁਸਾਰ ਬਰਾਬਰ ਕੰਮ ਲਈ ਬਰਾਬਰ ਤਨਖਾਹ ਦਾ ਸਿਧਾਂਤ ਦਿਹਾੜੀਦਾਰਾਂ ਅਤੇ ਠੇਕੇ ਦੇ ਮੁਲਾਜ਼ਮਾਂ 'ਤੇ ਵੀ ਲਾਗੂ ਹੋਵੇਗਾ ਜਿਹੜੇ ਰੇਗੂਲਰ ਮੁਲਾਜ਼ਮਾਂ ਦੇ ਬਰਾਬਰ ਕੰਮ ਕਰਦੇ ਹਨ । ਬਰਾਬਰ ਕੰਮ ਲਈ ਬਰਾਬਰ ਤਨਖਾਹ ਤੋਂ ਇਨਕਾਰ ਨੂੰ ਕਲਿਆਣਕਾਰੀ ਰਾਜ ਦੇ ਸਿਧਾਂਤ ਦੇ ਵਿਰੁੱਧ ; ਮਿਹਨਤ ਦਾ ਫਲ ਦੇਣ ਤੋਂ ਇਨਕਾਰ ਕਰਨਾ ਹੈ । ਇਸ ਨੂੰ ਕੋਰਟ ਨੇ ਸੋਸਣਕਾਰੀ ਦਾਸਤਾਂ, ਅੱਤਿਆਚਾਰੀ, ਦਮਨਕਾਰੀ ਅਤੇ ਲਾਚਾਰ ਕਰਨ ਵਾਲਾ ਕਰਾਰ ਦਿੱਤਾ ਹੈ ।

ਬਰਾਬਰ ਕੰਮ ਲਈ ਨਿਯੁਕਤ ਕਰਮਚਾਰੀ ਨੂੰ ਹੋਰਨਾ ਕਰਮਚਾਰੀਆਂ ਦੇ ਮੁਕਾਬਲੇ ਘੱਟ ਤਨਖਾਹੀ ਨਹੀਂ ਮਿਲ ਸਕਦੀ ਜਦਕਿ ਉਹ ਬਰਾਬਰ ਜਿੰਮੇਵਾਰੀ ਨਿਭਾਉਂਦੇ ਹਨ । ਅਸਲ 'ਚ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਕੁਝ ਆਰਜੀ ਕਰਮਚਾਰੀਆਂ ਜੋ Daily Wages ਤੇ ਪੰਪ ਉਪਰੇਟਰ, ਫੀਟਰ, ਹੇਲਪਰ, ਡਰਾਇਵਰ, ਪਲੰਬਰ, ਚੌਕੀਦਾਰ, ਲੇਜਰ ਕਲਰਕ, ਲੇਜਰ ਕੀਪਰ, ਪੇਟਰੋਲਮੈਨ, ਸਰਵੇਅਰਜ, ਸੀਵਰਮੈਨ ਆਦਿ ਦਾ ਕੰਮ ਕਰਦੇ ਸਨ, ਉਨ੍ਹਾਂ ਦੇ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਦੇ ਫੈਸਲੇ ਖਿਲਾਫ ਸੁਪਰੀਮ ਕੋਰਟ 'ਚ ਪੰਜਾਬ ਸਰਕਾਰ ਨੇ ਅਪੀਲ ਕੀਤੀ ਸੀ ।

It is, therefore, that a full bench of the High Court, took up the issue, for resolving the dispute emerging out of the differences of opinion expressed in the above judgments, in Avtar Singh V. State of Punjab & Ors. (CWP No. 14796 of 2003), alongwith connected writ petitions decided on 11.11.2011. The issue which arises for our consideration is, whether temporarily engaged employees (daily-wage employees, ad-hoc appointees, employees appointed on casual basis, contractual employees and the like), are entitled to minimum of the regular pay-scale, alongwith dearness allowance (as revised from time to time) on account of their performing the same duties, against sanctioned posts.

The exceptions recorded by the full bench of the High Court in the impugned judgment are extracted hereunder:-

“(1) A daily wager, ad hoc or contractual appointee against the regular sanctioned posts, if appointed after undergoing a selection process based upon fairness and equality of opportunity to all other eligible candidates, shall be entitled to minimum of the regular pay scale from the date of engagement.

(2) But if daily wagers, ad hoc or contractual appointees are not appointed against regular sanctioned posts and their services are availed continuously, with notional breaks, by the State Government or its instrumentalities for a sufficient long period i.e. for 10 years, such daily wagers, ad hoc or contractual appointees shall be entitled to minimum of the regular pay scale without any allowances on the assumption that work of perennial nature is available and having worked for such long period of time, an equitable right is created in such category of persons. Their claim for regularization, if any, may have to be considered separately in terms of legally permissible scheme.

(3) In the event, a claim is made for minimum pay scale after more than three years and two months of completion of 10 years of continuous working, a daily wager, ad hoc or contractual employee shall be entitled to arrears for a period of three years and two months.”

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To Provide Help for the Problems of Govt. Employees and Retired Pensioners.



KRISHANA help
Consultancy Firm

Dr. Krishan Lal

Retd. Lecturer Political Sc.
B.Sc. B.Ed., M. Com, M.A., Ph.D.

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Sept 9
25.11.16

No. 7/138/2016-4FP1/502
GOVERNMENT OF PUNJAB
DEPARTMENT OF FINANCE
(FINANCE PERSONNEL-1 BRANCH)

484
25/11

To

1. All the Head of Departments,
2. Registrar, Punjab and Haryana High Court, Chandigarh
3. Commissioners of Divisions.
4. All Deputy Commissioners
5. All the District and Sessions Judge in the State of Punjab,



Dated, Chandigarh: 21-11-2016

Subject: Implementation of Judgment dated 26.10.2016 of the Hon'ble Supreme Court of India in Civil Appeal No. 213 of 2013 titled as State of Punjab and Ors. v/s. Jagjit Singh and others.

The above noted judgment was discussed as per the record note of discussion held under the Chairmanship of Chief Secretary Punjab on 8.11.2016. The Judgment dated 26.10.2016 can be downloaded from the website of the Hon'ble Supreme Court of India.

2. In view of the judgment you are requested to intimate the financial implication involved in the above noted case giving complete detail in the following proforma to the Finance Department within 10 days i.e. 30.11.2016 from the issue of this letter to enable the Finance Department to apprise the CMM:

(i) In case of regular employees:-

Sr. No.	Name of the Department	Number of the employees	Category of Posts	Present annual salary expenditure in respect of such employees	Proposed salary/pay scales	Additional annual financial implications involved in case the judgment is implemented	Any other remarks

(ii) In case of Temporary/Contract/Adhoc employees:-

Sr. No.	Name of the Department	Number of the employees	Category of Posts	Present annual salary expenditure in respect of such employees	Proposed salary/pay scales	Additional annual financial implications involved in case the judgment is implemented	Any other remarks

Yours faithfully,

Sangita
(Sangita)

Under Secretary

Endst. No. 7/138/2016-4FP1/502

Dated: 21/11/2016

A copy of the above is forwarded to the Secretary to Government of Punjab, Department of Personnel, Chandigarh for information and further necessary action.

Sangita
Under Secretary