

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.205 of 2010 (O&M)

Date of Decision: 10.12.2015

The Director General of Works, Central Public
Works Department, Nirman Bhawan,
New Delhi and another

... Petitioners

Versus

Saroop Singh and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashwinie Kumar Bansal, Advocate,
for the petitioners.

Mr. A.D.S. Bal, Advocate,
for R-1.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

The present petition is limited to examination of the question of grant of higher wages to the contractor with respect to wages earned by other employees.

Mr. Bansal has produced an order of the Central Administrative Tribunal, Chandigarh Bench, Chandigarh passed in *Sarup Singh vs. Union of India and others* decided on September 26, 2014 in OA No.63/CH/2013 between the same parties where the applicant claimed regularization of services in view of a two decade old relationship of employment between the parties and it was prayed therein that the services of the applicant be regularized as Motor Lorry Driver against one of the available posts, with

consequential benefits. This request was turned down by the Tribunal.

Aggrieved by the order of the Tribunal, the applicant has preferred a writ petition before this Court which is stated to be pending and the question of regularization will remain subject to outcome of those proceedings. However, that issue has nothing to do with the prayers in this petition.

Mr. Bansal has relied yet another document being the recommendations of the Director Works (NR-1) CPWD, Chandigarh to his superior authorities recommending that higher wages can be paid to the respondent without compromising on the issue of regularization. It is pointed out that the document has been placed on record by the respondent from where Mr. Bansal cites it and urges his point that this via media is the best possible solution to the dispute which deserves to be accepted by this Court. This is a very fair stand and is appreciated as counsel must always stand above the case. The recommendations are accepted as correct statement of the law and it is expected that the Department would honour the recommendation and give effect to them immediately as per law in the light of the recommendations put forth for consideration by the accepting authority.

This brings an end to the dispute and the petition stands disposed of in the above terms.

(RAJIV NARAIN RAINA)
JUDGE

10.12.2015
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