

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 12745 of 2015

Date of decision : January 29, 2016

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Rakesh Kumar and others

.....Petitioners

Versus

The State of Haryana and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Namit Kumar, Advocate for the petitioners.

Mr. Gaurav Goel, AAG, Haryana.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

The petitioners are seeking writ of mandamus directing respondents to revise the wages of the petitioners at the rate of Rs.6174/- w.e.f 1.3.2013 and Rs.8100/- w.e.f 2.6.2014 in view of the orders dated 6.6.2013 and 4.7.2014 (Annexures P-2 and P-3).

The petitioners are being paid the wages at the rate of Rs.4050/- per month for performing the duty of Sweeper/Water Carrier/Cook/Mali in the Haryana Police. They are working since 1996 and in fact they are performing the duties for 10 to 12 hours in a day.

The respondents are denying the claim of the petitioners

on the ground that they are working as part time employees for just 2/4 hours a day.

This question has come up for consideration before this Court in ***CWP No. 1133 of 2010*** titled ***“Ram Harsh and others vs. The State of Haryana and others”*** decided on **19.5.2011**. The petitioners in that case were claiming payment of minimum wages as prescribed for contingent employees which is being paid in various Departments of the State by making reference to a notification issued by the Deputy Commissioner, Kurukshetra prescribing the various rates to be paid to skilled/semi-skilled/unskilled workers. This Court observed that as per Article 21 of the Constitution every citizen has a right to live with human dignity and such dignity can only be nurtured, safeguarded and enhanced if the wages admissible to an employee are commensurate with the employment in which a person is placed and the aspirations which flow therefrom. Chapter IV of the Constitution equally casts an obligation upon the State to secure a living wage and conditions of work which ensure a decent standard of life. Keeping in view that the petitioners had been working since 1980 they were held entitled to payment of minimum wages admissible to an employee as per the notifications issued by the Deputy Commissioner at Rs.5400/- per month. The writ petition was allowed.

Following the ratio laid down by the case of ***Ram Harsh and others’ (supra)***, a writ petition filed by 36 similarly situated employees **CWP No. 9861 of 2012 (Bishan Singh and others vs.**

The State of Haryana and others) was disposed of by this Court.

The respondents in the written statement are denying the claim to the petitions only on the ground that they are part time employees only for 4 hours as per the copies of the sanctions for the year 2014-15 and 2015-16 (Annexures R-1 and R-2 respectively) and no appointment letters have been issued to the petitioners by the Police Department. At the same time they are not disputing that the judgment passed by this Court (Annexure P-1) has been duly complied with by making the payment to the petitioners as per Annexure P-5. The petitioners in the case of **Ram Harsh and others (supra)** were working as cook/Water Carrier/Mali and Sweepers in the Haryana Police as Contingent Part-time employees. The case of the petitioners is squarely covered by the aforesaid judgment.

The writ petition is allowed and a direction is given to the respondents to give them the minimum wages in consonance with the prescribed orders dated 6.6.2013 and 4.7.2014 (Annexures P-2 and P-3).

The writ petition is allowed in the above said terms.

January 29, 2016
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(**RITU BAHRI**)
JUDGE