

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

**Date of decision : 13.05.2016
C.W.P No. 22428 of 2014**

1

Rajesh Kumar and others.

...Petitioners

versus

State of Haryana and others.

...Respondents

2

C.W.P No. 21398 of 2014

Dharamvir and others.

...Petitioners

versus

State of Haryana and others.

...Respondents

3.

C.W.P No. 21653 of 2014

Sachin Kumar and others.

...Petitioners

versus

State of Haryana and others.

...Respondents

4.

C.W.P No. 21643 of 2014

Amit Chibra and anr.

...Petitioners

versus

State of Haryana and others.

...Respondents

5.

C.W.P No. 6468 of 2015

Gurdeep Dhul and others.

...Petitioners

versus

State of Haryana and others.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Yogesh Chaudhary, Advocate,
with Mr. G.S. Gopera, Advocate,
for the petitioners (in CWP No. 22428 of 2014).

Mr. Vikas Kathiala, Advocate for the petitioners
in C.W.P Nos. 21398, 21653, 21643 of 2014 and
C.W.P No. 6468 of 2015.

Mr. Ravi Pratap Singh, Asstt. A.G. Haryana.

Mr. Pardeep Singh Poonia, Advocate
for respondent nos. 2 to 4 in CWP No. 22428 of 2014.

Mr. Suvir Sehgal, Advocate with
Mr. Daman Dhir, Advocate
for respondent no. 2 and 3 C.W.P Nos. 21398, 21653, 21643 of
2014 and C.W.P No. 6468 of 2015.

RITU BAHRI, J. (Oral)

This order will dispose of CWP Nos.22428, 21398, 21653
21643 of 2014 and 6468 of 2015 together as common questions of law and
facts are involved in all the petitions. For reference, facts are taken from
CWP No.22428 of 2014.

The petitioners are seeking writ of mandamus for quashing the
letter/memo dated 04.09.2014 (Annexure P-9) whereby revised wages with
respect to the contractual employees engaged through outsourcing policy
have been reduced.

The petitioners were appointed on DC rates on contract basis to
the posts of AL.M./S.A. in UHBVNL, in Distrcit Kaithal, in the year 2008.
Since then, they have been continuously working in Sub-divisions Siwan,
Cheeka, and Guhla, District Kaithal. Copy of pay bills of the petitioners for
the month of July 2013 has been placed on record as Annexure P-1.

Thereafter, vide order dated 29.05.2014 (Annexure P-2) passed by the Deputy Commissioner, Kaithal the wages of the petitioners i.e. A.L.M/S.A. who were having two years I.T.I Diploma, were fixed @ Rs. 14,560/- per month or Rs. 560/- per day. In pursuance of order (Annexure P-2), the wages of the petitioners were revised at the rate of Rs.14,560/-. Copy of pay bill of the petitioners for the month of June, 2014 has been annexed as Annexure P-3.

Thereafter, vide memo dated 04.09.2014 (Annexure P-9) revised wages to be paid to the contract workers engaged through out source basis, effective from 01.07.2014, has been issued. Under these revised wages for contract workers, wages for the post of S.A. & ALM (column Nos. 4 and 5) have been reduced and shown as Rs.9840/-.

The respondents in the written statement have placed on record the contract agreement dated 14.04.2015 (Annexure R-2), which shows that the petitioners were engaged on DC rates. One of the condition was that petitioners were engaged for a fixed monthly remuneration not less than the minimum wages prescribed in the Minimum Wages Act, 1948. Thereafter, term of their contractual engagements were extended upto 11.08.2015 vide memo dated 03.03.2015. The respondents have placed on record policy for outsourcing of services/activities dated 01.09.2006 (Annexure R-3).

The respondents are not disputing that the petitioners have been paid since the year 2008 at DC rates.

Learned counsel for the petitioners has placed on record clarifications issued by the Labour Department (Annexures P-12) and by the General Administration Department, Haryana Government (Annexures P-14), whereby it has been clarified that no contractual employee should be

paid less than the minimum wages. It has been further clarified that if a person is getting higher wages, then those cannot be reduced. All the petitioners have not been appointed through outsourcing policy and they are covered by the clarifications issued by the Labour Department and General Administration Department (Annexures P-12 & P-14), as they have been directly engaged by the department as admitted by the respondents as per their contract/agreement (Annexure R-2). Hence, as per clarification given, their wages cannot be reduced as per letter/memo dated 04.09.2014 (Annexure P-9).

In view of the above, all the petitions i.e. CWP Nos.22428, 21398, 21653 21643 of 2014 and 6468 of 2015 are allowed and a direction is given to the respondents to make payment of salary to the petitioners as per clarifications given vide Annexures P-12 and P-14 with all consequential benefits, within a period of 3 months from the date of receipt of certified copy of this order.

May 13, 2016
 jyoti III

(RITU BAHRI)
JUDGE