

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21947 of 2016

Date of Decision: 21.10.2016

Minakshi Sharma

... Petitioner

Versus

Haryana School Shiksha Priyोजना Parishad
and others

... Respondents

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

Present: Ms. Tanvi Jain, Advocate,
for Mr. Sachin Gupta Ladwa, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.

The petitioner is an Accountant/Assistant working in the Kusturba Gandhi Balika Vidyalaya, Rajound. She has been working since 2008 on DC rates. Her complaint is that her wages are not being paid to her as per current DC rates prevailing in District Kaithal. She is in receipt of ₹ 8750/- per month whereas she relies on the DC rates prevalent in Mewat for the post of Accountant which is ₹ 16558/- for the year 2013-14. This is by way of example in emphasis by way of comparison of the differential in the two districts. The petitioner brought her grievance to the notice of the competent authority at Kaithal by representations filed in 2013 and 2014 where the matter has rested without attention. She has heard nothing of them since.

According to her counsel, the petitioner would be satisfied if a direction is issued by this Court to the respondents to consider and decide the representations within a time bound period.

The prayer is fair and reasonable. The petitioner has a right to

wages according to DC rates fixed in the District for the post of Accountant/Assistant.

As a result, a direction is issued to respondents No.1 and 3 to take up the representations of the petitioner and decide them by passing a well reasoned order after affording an opportunity of hearing to her, if she so desires. The authorities would lay emphasis on the DC rates of District Kaithal or in nearabout districts including the one far away at Mewat. In case, the petitioner's pay is revised according to prevalent DC rates in Kaithal for the category of post she holds on contract basis, the monetary benefit can be given to her without passing a speaking order together with the arrears. However, the necessity of giving reasons in an order passed in writing will arise only if an order adverse to her interest is contemplated, then hearing would be afforded to her. The authorities would tie up with the local authorities under the Minimum Wages Act, 1948 and call for the notifications relevant to the determination and apply them to the demand of the petitioner. Let this exercise be done within six weeks.

With these observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

21.10.2016
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Whether speaking/reasoned Yes

Whether reportable No