

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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Date of decision:25.7.2017

(1) CWP No.12669 of 2016

Sher Singh

... Petitioner

versus

State of Haryana and others

... Respondents

(2) CWP No.12671 of 2016

Jaswinder Kumar

... Petitioner

versus

State of Haryana and others

... Respondents

(3) CWP No.12675 of 2016 (O&M)

Dharam Singh

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Diwan S. Adlakha, Advocate,
for the petitioners
Mr.R.K.Doon, AAG, Haryana
Mr.Abhishek Sethi, Advocate,
for respondent no.6 (in CWP no.12669 of 2016
Mr.Sandeep Sharma, Advocate,
for respondent no.6 (in CWP no.12675 of 2016
...

AMOL RATTAN SINGH, J. (Oral)

CM No.9596 of 2017 in CWP No.12675 of 2016

By this application, the written statement filed on behalf of

respondent no.6 is sought to be placed on record.

The application is allowed and the aforesaid written statement is taken on record.

Main cases

In these 3 petitions, the petitioners, who are working as part time Pump Operators on daily wage in 3 different Gram Panchayats (respondent no.6 in each petition), are seeking that their services be not terminated to be replaced by other such daily wage employees on a temporary basis.

Vide an interim order passed on 20.6.2016 in all these petitions, while issuing notice, it was directed that the petitioners be not replaced unless their work and conduct is found to be unsatisfactory.

Learned counsel appearing for the Gram Panchayat-respondent no.6 in CWP no.12675 of 2016, has brought to the notice of this Court the instructions of the Haryana Government dated 13.10.2010, annexed as Annexure R-1 with the reply of the said respondent.

Clause 9 (iv) of the aforesaid instructions reads as under:-

“9(iv) The operator to be engaged would preferably be ITI qualified and preference should be given to the Trades as per qualifications of PHED rules. In case ITI qualified operator is not available, the candidate should at least have 10+2 qualification with Science stream. The operator to be engaged should preferably belong to the same village and in case suitable candidate is not available, the same may be engaged from an adjoining (nearby) village.”

Thus, the contention is that the Gram Panchayat, in terms of the aforesaid instructions, can only now recruit persons even as Pump Operators who have at least a qualification of Secondary School education, preferably also having passed a certificate course from an Industrial Training Institute (ITI).

Learned counsel for the respondent-Gram Panchayat in 2 of these petitions submit that the Gram Panchayat is in process of starting recruitment of persons for the said posts, who are qualified on the basis of the aforesaid instructions.

Learned counsel for the petitioners submits that in 2 of these petitions, i.e. CWP nos.12669 and 12675 of 2016, the petitioners are non-matriculate, whereas the petitioner in CWP no.12671 of 2016 has passed the Senior Secondary Examination.

Be that as it may, process for recruitment of Pump Operators with the aforesaid qualifications would continue, if the Gram Panchayats wish to make such recruitments on contract basis; however, till such time as recruitments are made as aforesaid, the petitioners' services would not be dispensed with.

If the petitioners or any of them are found to be eligible for being appointed as Pump Operators, obviously they would be free to apply in response to the advertisement issued for such employment.

Learned counsel for the petitioners also submits that the petitioners have not been paid their wages for a long time, though they continued to work.

Learned counsel for respondent no.6 in CWP no.12669 of 2016

submits that the petitioner in this petition is not coming to work and that in fact, 150 villagers had made a complaint to the Panchayat to that effect, saying that no water is coming to their houses. In the said case, i.e. concerning Gram Panchayat Village Gillour, Tehsil Radaur, District Yamuna Nagar, the issue being a disputed question of fact with regard to back wages, the petitioner would be free to approach the Civil Court/Labour Court to redress his grievance.

There being no dispute with regard to the attendance of the petitioners in the other 2 petitions, the back wages due to them shall be paid within a period of 2 months from the date of receipt of a certified copy of this order.

Disposed of with the aforesaid directions.

25.7.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No