

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13036 of 2017
Date of decision:14.07.2017

Chetan Kumar & others

....Petitioners

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.V.D. Sharma, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

The petitioners, who are 70 in number and working as Assistant Linemen/Shift Attendant with the respondent-Nigam, seek release of the arrears of salary paid less than the prevailing DC rates from 01.04.2014 to 30.08.2016 along with interest @ 9%, on account of the judgment dated 13.05.2016, passed in CWP-22428-2014 titled *Rajesh Kumar & others Vs. State of Haryana & others* (Annexure P-6).

It is not disputed that in the above-said case, a direction had been issued to make payment of salaries as per the clarifications issued by the Labour Department and General Administration Department, Haryana that no contractual employee should be paid less than the minimum wages. Similar issue also came up in CWP-7086-2015 titled *Kuldeep Singh & others Vs. Dakshin Haryana Bijli Vitran Nigam & others*, decided on 13.01.2017 wherein the order dated 04.09.2014, vide which the salaries had been reduced from Rs.13,660/- to Rs.9,840/-, was set aside and direction had been issued to pay the same at a higher level and the difference of pay was also directed to be released. Relevant part of the order reads as under:

“3.) On the other hand, learned counsel for the respondents fairly submitted that the petitioners are entitled to wages @ ₹13,660/- having regard to the decision of this Court and Supreme Court. Having regard to the above facts and circumstances, Annexure P-11 is set aside. The respondents are directed to pay the wages to the petitioners @ ₹ 13,660/- from the date the same has been reduced to ₹ 9,840/-. The difference of pay shall be released to the petitioners within a period of four months from today. The respondents are also directed to extend

the benefit of minimum pay scale attached to the post of Assistant Lineman to the petitioners having regard to the decision of the Apex Court cited supra. Such exercise shall be taken by the respondents within a period of four months from today.

4.) Petitions stands disposed of.”

Counsel for the petitioners has, accordingly, contended that a legal notice dated 16.03.2017 (Annexure P-8) has duly been served upon the respondents, for the above necessary relief.

He further draws the attention of this Court to the instructions dated 17.08.2016, issued by the Chief Secretary to Government, Haryana, to the Heads of Departments, Boards and Corporations, that immediate steps shall be taken to ensure that all representations/notices are decided by the competent authorities by passing a speaking order, to avoid undesirable litigation, giving cogent reasons.

Accordingly, keeping in view the above and the fact that a legal notice dated 16.03.2017 (Annexure P-8) has been served upon the respondents and therefore, respondent No.2 is bound to give effect to the benefits to be granted to all similarly situated employees. Accordingly, the present writ petition is disposed of, with the direction that the said respondent shall decide the legal notice within a period of 4 weeks from the receipt of a certified copy. Necessary refunds be, accordingly, made within a period of 2 months, thereafter. In case any adverse order is to be passed, then a detail reasoned order be passed and communicated to the petitioners, as on what ground they are to be singled out.

14.07.2017

Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No