

CWP-17946-2015

**111+218 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

Date of Decision : 15.05.2017

218

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SUSHIL & ORS

..... Petitioners

Versus

STATE OF HARYANA & ORS

..... Respondents

218-1

CWP-16819-2015

RAJESH KUMAR & ORS

..... Petitioners

Versus

STATE OF HARYANA & ORS

..... Respondents

218-2

CWP-246-2016

DEVENDER

..... Petitioner

Versus

STATE OF HARYANA & ORS

..... Respondent

218-3

CWP-5160-2017

MAHINDER & ORS

..... Petitioners

Versus

STATE OF HARYANA & ORS

..... Respondent

111

CWP-6067-2017

CWP-17946-2015

DHARMINDER & ORS

..... Petitioners

Versus

STATE OF HARYANA & ORS

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vishal Nehra, Advocate for
for the petitioner(s).

Ms. Shruti Jain Goyal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This common order shall dispose of abovementioned five civil writ petitions as the issue involved in these petitions are same. Facts are being taken primarily from **CWP-16819-2015**.

Petitioners have approached this Court for directing the respondents to pay scale of minimum wages to them alongwith arrears, instead of fixed wages of Rs. 1000/- per month and not to replace them by another temporary employees till the regularly selected candidates are available.

Brief facts of the case are that the State Government had installed sophisticated equipment in Government Schools to give the benefit of EDUSAT to the students and the petitioners were appointed on different dates as Chowkidars in different schools on temporary basis at the honorarium of Rs. 1000/- per month. They claim wages at the minimum of the regular pay scale and a further direction restraining the

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respondents to replace with other contractual appointed employees and to allow them to continue till regular selected candidates are appointed.

As regards the first prayer, reliance is sought to be placed upon the judgment of this Court passed in **CWP No. 23769-2017** titled as **State of Haryana and others vs. Sh. Suresh Kumar and others** decided on 13.01.2017 (and other connected cases). Those cases had arisen from the Award passed by the Labour Court on applications filed by the Chowkidars under Section 33-C(2) of the Industrial Dispute Act, 1947 wherein Labour Court had directed to pay the wages at the minimum of the regular pay scale and State had challenged those Awards and by the impugned judgment this Court had dismissed those petitions.

In the circumstance, the first prayer made by the petitioners stand allowed and respondents are directed to pay wages at the minimum of the regular pay scale available to regularly appointed employees of the same category as determined in Minimum Wages Act, 1948, since the date of their appointment or a period of 38 months prior to the filing of the present writ petition whichever is later.

As regards the second claim, in the written statement it has been brought out that the petitioners were not appointed as per law and in fact were back door entrants and would therefore not be entitled to **Hargurpratap Singh Vs. State of Punjab 2007 (13) SCC 292.** No replication has been filed. Consequently, this prayer cannot be allowed.

Petitions stand disposed of in the above terms.

Since the main cases have been decided, the pending Civil

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Misc. Application, if any, also stands disposed of.

15.05.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No