

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

CWP-17499-2016

Date of decision: 19.07.2017

Paramjit Kaur

...Petitioner

V/s.

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.

Present: Mr. Vivek Sharma, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

DAYA CHAUDHARY, J. (Oral)

The grievance of the petitioner in the present petition is that she is working with respondents for the last more than 15 years as part time sweeper. She is being paid ₹3,360/- p.m. which is less than the minimum wages. Earlier the mother of the petitioner, namely, Jangir Kaur was working as sweeper with the respondent No. 3 but due to her ill health, she was not in a position to continue.

A request was made to appoint the petitioner in place of her mother and it was accepted and, the petitioner is working since 28.02.1997.

Learned counsel for the petitioner submits that the petitioner was appointed as part time sweeper but since the date of her initial appointment, meager salary is being paid inspite of policy of regularization and her services have also not been regularized. The claim of the petitioner for regularization was considered but ultimately it was rejected vide order dated 12.07.2005 (Annexure P-2) as at that time she was having less than 10 years of service. Order dated 12.07.2005 has been challenged in the present

petition. He also submits that petitioner has now completed more than 15 years of service and has made representation as well but still she has not been considered for regularization.

In response to notice of motion, reply has been filed on behalf of respondents No. 1 to 3 which is on record.

Learned counsel for the respondents submits that seniority list of Sweepers working in District Sangrur has been prepared. There are total 51 sanctioned posts and the seniority number of the petitioner is at Sr. No. 277-B. Similarly situated candidates upto serial no. 94 have been regularized and the petitioner would be considered for regularization as per her seniority number.

Learned counsel for the petitioner further submits that atleast petitioner is entitled for the minimum wages. He has also relied upon judgment of Hon'ble the Apex Court in ***State of Punjab and others V/s. Jagdish and others 2016*** (4) SCT 641 in support of his arguments.

Admittedly, the petitioner is working as Sweeper since 1997 and she is being paid salary of ₹3,360/- p.m. No direction can be issued for regularization when she is placed lower in seniority list as she can be regularized as per her turn in accordance with the seniority list maintained by respondent No. 2. As far as the claim of minimum wages is concerned, the petitioner is entitled for the same as she is stated to be working on full time basis whereas she is being paid ₹3,360/- p.m. as salary. She has also made representation to the authorities for grant of minimum wages, but nothing has been said in this regard and the claim of regularization has been rejected without assigning any reason.

Accordingly, this petition is disposed of with direction to respondent No. 2 to consider the claim of the petitioner for grant of minimum wages in view of judgment of *Jagdish Singh's case supra* and take necessary action in accordance with law as well as in view of afore-said judgment. The necessary exercise be done within a period of two months.

July 19, 2017
Divyanshi

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No