

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

**CWP No.9621 of 2016
Date of decision: 17.09.2018**

Saroj and others

...Petitioners

Versus

Haryana School Shiksha Pariyojna Parishad and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jagjit Beniwal, Advocate,
for the petitioners.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. M.S. Chahal, Advocate,
for respondent No.3.

Ritu Bahri, J.

Petitioner are seeking quashing of the order dated 26.04.2016 (Annexure P-10), whereby their claim for grant of wages as per revised DC Rates from time to time has been rejected.

Petitioners are working on contract basis in different schools from 2012 onwards and their contracts have been renewed from time to time.

As per reply filed by the respondents, Kasturba Gandhi Balika Vidyalaya (KGBV) Scheme was launched by the Government of India in August 2004 for setting up the residential schools at upper primary level for girls belonging to predominantly SC, ST, OBC and minorities in difficult areas. Initially, it was run as a separate scheme, but now w.e.f. 01.04.2007, this scheme is running under Sarva Shiksha Abhiyan (SSA) as a separate component. Copy of scope/objective of the scheme has been annexed as

Annexure P-1. It has been further stated that Memorandum of

Understanding was entered into on 01.04.2007 (Annexure R-1) between Haryana School Shiksha Pariyjna Parishad (HSSPP), District Project Coordinator (DPC), Mewat and Mewat Model School Society (MMSS), Nuh for running this scheme through Mewat Model School Society, Nuh. It has been further submitted that petitioners were engaged on contract basis for 89 days by Mewat Model School Society, Nuh on consolidated amount. One of the engagement letters has been placed on record as Annexure R-2. As per letter dated 24.03.2014 (Annexure R-3), Ministry of Human Resource Development, Government of India, has approved the financial norms. Two Support staff has been allowed for each KGBV at the rate of Rs.5000/- per month per staff.

Petitioners are working on the posts of Peon, Chowkidar and Sweeper. They are not being paid wages at DC rates as per Haryana Government Outsourcing Policy. Hence, an attempt is made to justify the order dated 25.04.2016 (Annexure P-10).

On 08.08.2018, learned State counsel had placed on record copy of letter dated 07.08.2018, whereby Haryana School Shiksha Priyojna Parishad had given directions to pay wages of full time Accountant, Head Cook, Chowkidar, Peon-cum-Sweeper at DC rates w.e.f. 01.06.2018. They have decided to make payment at DC rates without any arrears. A perusal of this letter further shows that vide letter dated 06.06.2015, Government of Haryana had given direction for payment of wages at DC rates to the persons engaged under Part-I of the Outsourcing Policy. Since a conscious decision has been taken by the Government to make payment even to the contractual employees employed through Outsourcing Policy, the same benefit cannot be denied to the present petitioners keeping in view that the

State Government has taken over the scheme w.e.f. 01.04.2007.

In view of the above, the present petition is allowed, impugned order dated 26.04.2016 (Annexure P-10) is set aside and a direction is given to the respondents to make payment to the petitioners at DC rates w.e.f. 01.03.2014.

17.09.2018
ajp

(RITU BAHRI)
JUDGE

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