

**COCN No. 1669 of 2018
DECIDED ON: DECEMBER 05, 2019**

RAJ KUMAR AND OTHERS

.....PETITIONERS

VERSUS

SH RAJIV ARORA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. J.S. Maanipur, Advocate with
Ms. Harpreet Kaur, Advocate
for the petitioners.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The present petition is filed pleading wilful disobedience of the directions of this Court dated 18.01.2018 issued in CWP No. 27882 of 2017. Petitioners served legal notice to the respondent-department raising the claim on the basis of equal work to get arrears of difference of salary of the lower post of Pump Attendant and that of Water Pump Operator. The writ petition was disposed of directing the respondent to consider the claim of the petitioners for payment of arrears of difference of pay and if the case is found justified, then to disburse the due amounts. Further, it was ordered that in case the order proposed is adverse then an opportunity of hearing be provided to the petitioners and reasoned order be passed thereafter.

The present petition is filed as the needful is not done by the respondent.

Pursuant to notice of motion reply dated 23.07.2018 was filed annexing the order dated 19.07.2018 whereby, the claim of the petitioners was rejected on the ground that they were daily wagers, hence, principle of 'equal pay for equal work' will not apply.

Learned State counsel took time on 17.09.2019 to re-look into the matter and if need be, pass a fresh order after affording hearing to the petitioners.

Today, learned State counsel has filed a short reply by way of an affidavit of Mr. Ashok Sharma, Superintending Engineer, Public Health Engineering Circle, Ambala Cantt, same is taken on record and copy handed over to the counsel for the petitioner. Alongwith reply an order dated 07.10.2019 has been annexed, whereby, the claim of the petitioner is rejected stating that they were being paid regular pay scale w.e.f. 01.02.1996 and 01.10.2003 as admissible under the service rules as paid to other similarly situated employees. It is further stated that benefit of pay revision as well as ACP scale has also been granted to the petitioners.

Learned counsel for the petitioners contends that the claim of the petitioners has wrongly been rejected on the ground that they are not entitled to equal pay for equal work as they were working on daily wages.

The contention raised by learned counsel for the petitioners is not well founded.

The basis for rejection of the claim is mentioned in the order stating that petitioners are already getting regular pay scales. In such circumstances, the grievance raised by learned counsel for the petitioners cannot be gone into in the contempt proceedings.

As there is a substantial compliance of the directions of this Court,
the present petition is dismissed.

The Rule issued against the respondent stands discharged.

Petitioners would be at liberty to avail remedy in accordance with
law against the order dated 07.10.2019.

DECEMBER 05, 2019
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>