

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

**CWP No.16342 of 2017(O&M)
Date of Decision:22.07.2019**

RAJ KUMAR & OTHERS

....Petitioners

V/S

STATE OF HARYANA & OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Ms.Alka Chatrath, Advocate for the petitioners.
Mr.Harish Rathee, Sr.DAG, Haryana.

B.S.WALIA, J.(ORAL)

1. Prayer is for directing the respondents to grant wages to the petitioner in the minimum of prescribed pay-scale as is being paid to counter-parts working on regular basis on the post of Chowkidars in the Department of Education w.e.f. the date of joining on account of the petitioners performing the same duty for the same number of hours with same responsibilities as is being performed by the petitioners counter-parts as per notification issued by the respondents i.e. Annexure P-6 and P-7 in view of the principle of “equal pay for equal work” and decision of Hon’ble the Supreme Court in the case of State of Punjab Vs. Jagjit Singh as 2016 (4) SCT 641.

2. Written statement has been filed on behalf of respondent Nos.1 to 5.

Same is taken on record. Copy thereof has been handed over to learned counsel for the petitioner.

3. CM No.3709 of 2019 has been filed by the petitioners for disposal of the main petition in terms of decision in LPA No.1273 of 2018 (Annexure P-15.)

4. Learned Sr.DAG states that the claim of the petitioners is covered by the decision of the Division Bench in LPA No.1273 of 2018 (O&M) in case titled as State of Haryana Vs. Devender decided on 20.02.2019. Relevant extract of the same is reproduced as under:-

“Subsequently, learned Advocate General, Haryana made a request to grant time to enable the State Government to examine the matter and to take a reasoned decision in accordance with law. On number of occasions the proceedings were adjourned for the purpose. Today, an affidavit of the Director Elementary Education, Haryana, Panchkula, has been filed wherein it is stated that the State Government has finally decided that all the 4288 Chowkidars will be given honorarium at par with Revenue Chowkidars. It may be relevant to reproduce the following from the said affidavit:-

“Therefore, the State Government has finally decided that the 4288 chowkidars will be given honorarium at par with Revenue chowkidars since their engagements was on the basis of the honorarium, not appointed to any civil post but only to meet out the local needs for specific purposes and accordingly the arrears amount was calculated which came around Rs.105,58,89,984/- (One Hundred and Five Crore, Fifty Eight Lakh, Eighty Nine Thousand Nine Hundred Eighty Four only) from June

2011 till 18.02.2019. Thus, the EDUSAT Chowkidars can be paid on the pattern of Revenue Department as follows:-

S.No.	Date	Honorarium (Monthly)	Uniform Allowance (Yearly)	Lathi & Batery Allowance (Yearly)
1	01.11.1996	400	250	-
2	1997	400	500	-
3	01.03.2006	1000	1000	250
4	01.04.2009	1500	1500	500
5	01.01.2011	2000	1500	500
6	01.04.2013	2500	2000	750
7	01.01.2014	3500	2000	750
8	01.04.2018	7000	2500	1000

The copy of this affidavit have been duly served upon the learned counsel for the respondents who after gone through the contents stated that they are fully satisfied with the decision taken by the State Government and with the consent of the learned counsel for the parties the order passed by the learned Single Judge stands modified to the extent that in view of the decision taken by the State Government the payments to the respondents herein shall be made in terms thereof. These intra Court appeals stand disposed of in terms noted hereinabove with the consent of the learned counsel for the parties.”

5. In the light of the statement of learned Sr.DAG, Haryana, learned counsel states that the petitioners would be satisfied if the writ petition is disposed of in the same terms as in LPA No.1273 of 2018 (O&M).

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6. In view of the statement of learned counsel for the parties the writ **petition is allowed** in terms of decision in LPA No.1273 of 2018 (O&M) in case titled as State of Haryana Vs. Devender and others. Arrears as per entitlement be released to the petitioners within a period of three months from today, failing which the same shall carry interest @ 7% per annum w.e.f. the date of entitlement till date of payment.

(B.S.WALIA)
JUDGE

22.07.2019

raman

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