

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CWP No.6264 of 2017 (O&M)
Decided on : 22.07.2019

Palaram and others

... Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present : Mr.Rakesh Bakshi, Advocate
for the petitioners.

Mr.C.S.Bakshi, Addl.AG, Haryana.

Mr.D.S.Nalwa, Advocate for respondent No.5.

Harsimran Singh Sethi, J. (Oral)

CM No.4300 of 2019

For the reasons mentioned therein, CM is allowed and respondents No.1 to 3 are directed to place on record master server record before the Deputy Commissioner on 31.8.2019.

CWP No.6264 of 2017

In the present writ petition, the prayer which has been made by the petitioners is that directions be given to the respondents not to replace the petitioners, who are working on daily wages, with the same set of employees and they should be allowed to continue till the regular employees are appointed against the post on which they are working. Further prayer has been made by the petitioners that w.e.f. 1.9.2016, the petitioners who have discharged their duties, have not been released their

salary.

Learned counsel for respondent No.5 argues that the petitioners were working on daily wage basis and though the recommendation was made to the govt. to grant its approval to continue them in service but no decision came forward from the govt. either accepting the recommendation or declining the same. As State did not grant the approval, the services of the petitioners were discontinued.

Learned counsel for the petitioners vehemently argues that the petitioners are being replaced by another set of daily wages employees which would give a cause of action to the petitioners to approach this Court.

As the Municipal Committee, Naraingarh, District Ambala -respondent No.5 has already recommended the case for the grant of extension of service of the daily wages employees in the Municipal Committee and the said recommendation is still pending consideration with the govt., therefore respondent No.2 i.e. Director Urban Local Bodies Haryana is directed to take appropriate decision on the recommendation which has been sent by the Municipal Council for the grant of extension of services of the daily wages employees, who are working with the Municipal Committee.

Let an appropriate decision on the recommendations made by respondent No.5 be taken by respondent No.2 within a period of three months from the receipt of certified copy of this order. Whatever decision is taken by the respondent No.2 shall be conveyed to the Municipal

Committee who, thereafter will inform the petitioners about the same so that they can avail appropriate remedy against the same in case the need so arises.

With regard to the claim of the petitioners for grant of salary w.e.f. 1.9.2016, there is a dispute between the parties. Learned counsel for the petitioners argues that the petitioners have been continuously working though there might not be any grant from the competent authority. The said averment is made by the learned counsel for the petitioners on the ground that the petitioners have been marking their attendance in the biometric record. Learned counsel for the petitioners states that in case the data from the master server is obtained, the contention which has been raised on behalf of the petitioners, that they are continuously discharging their duties but still are not being paid for the same, will be proved.

Learned counsel for the respondents states that the data from the master server will be presented before the Deputy Commissioner, Ambala on 31.8.2019 and said data will be shown to the petitioners also who can also approach the Deputy Commissioner on the said date.

In case, the petitioners are able to present other documents in support of their claim that they had worked and are entitled for the salary that also should be presented before the Deputy Commissioner on the said date who, after assessing that data/documents will decide as to whether the petitioners were discharging duties or not and are entitled for salary for any period. Deputy Commissioner i.e. respondent No.3 will

pass an appropriate order with regard to whether the petitioners are entitled for salary any period for which they have discharged their duties, or not. In case, from the data, it transpires that the petitioners are working and for that, petitioners have not been released salary, an appropriate order be passed by the Deputy Commissioner directing respondent No.5 to release the salary for the period when the petitioners have been shown to be present in the data but have not been paid for the same period. This direction to respondent No.5 by the Deputy Commissioner should be for releasing the salary in a time bound manner.

Keeping in view the above, learned counsel for the petitioners states that he does not wish to press the present writ petition any further.

The present writ petition is disposed of in the aforesaid terms.

[HARSIMRAN SINGH SETHI]
JUDGE

22.07.2019
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No