

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4927-2018

Date of decision: 22.01.2019

Changu Ram and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Namit Kumar, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Ritu Bahri, J. (Oral).

The petitioners are seeking direction to the respondents for quashing of the order dated 02.01.2018 (Annexure P-17) whereby the claim of the petitioners for full time wages instead of 4 hours in a day has been rejected.

The petitioners have given details of their joining in para 2 of the writ petition and are working as part time Sweepers, Water Carrier, Cook, Dhobi and Mali in the Haryana Police and are posted in District Panchkula.

Learned counsel for the petitioners has referred to the recommendations made (Annexure P-18 colly) to the DCP for giving DC rates to the petitioners. The petitioners have been working for the whole day as per Annexure P-18.

In reply, these documents have not been specifically denied.

As per the recommendations, the petitioners are working for the whole day and the case of the petitioners could not be rejected vide order dated

02.01.2018 (Annexure P-17) by observing that the petitioners have wrongly mentioned in the representation dated 20.12.2016 that they working for 10 to 12 hours in a day. Another reason for accepting their claim is that the benefit of full day salary has been given to the petitioners of **CWP-1133-2010 Ram Harsh and Others V/s. State of Haryana and others** (Annexure P-1) and of **CWP-12745-2015 Rakesh Kumar and others V/s. The State of Haryana and others** (Annexure P-8) on the ground that the petitioners of **Ram Harsh's case (supra)** were working from 1980 onwards and the petitioners of **Rakesh Kumar's case (supra)** were working from 1996 onwards and the Court had observed in both the above said petitions, that the petitioners were working for 10 to 12 hours in a day. The fact that petitioners are working as part time employees for the last 10 years, cannot be made a ground to deny them the benefit of full day salary keeping in view Annexure P-18, in which the Department itself has given a report that the petitioners are working for the whole day and issuance of Annexure P-18 is not denied. Though there is a general denial to the contents of para 11 of the writ petition, there is no specific denial of issuance of Annexure P-18 by the Department. The petitioners have been working throughout a day as per Annexure P-18. Now this Court is to see whether the judgment of **Ram Harsh's case supra** (Annexure P-1) covers the case of the petitioners. In the case of **Ram Harsh**, there is no recommendation made by the office that the workers have been working for the whole day but their claim was accepted and the writ petition was allowed keeping in view that under Article 21 of the Constitution, it is the right of every citizen to live with human dignity and wages admissible to an employee should be

commensurate with the employment in which a person is placed and the aspires which flow therefrom and the State has an obligation to secure the living wages and conditions of work which ensure a decent standard of life. Subsequently, judgment of **Ram Harsh** was followed in the case of **Rakesh Kumar** (Annexure P-8) and in both the cases, no LPA has been filed.

Writ petition is accordingly allowed and the direction is given to the respondents to give the petitioners full time wages w.e.f. 09.01.2018 as their cases were recommended vide Annexure P-18 and 38 months arrears will be given before filing of this writ petition within a period of three months from the date of receipt of certified copy of this order.

22.01.2019
Divyanshi

(RITU BAHRI)
JUDGE

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