

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

LPA No.1273 of 2018 (O&M)

Date of Decision :20.02.2019

State of Haryana and others

.....Appellants

Versus

Devender

..... Respondent

and other connected matters:-

LPA Nos. 1291, 1292, 1293, 1300, 546, 877 of 2018, 2185, 736, 1098, 1236, 1986, 1284, 1312, LPA-1276, LPA-910, 1736, 1738, 1739, 1740 and 1741 of 2017,

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

**Present : Mr. B.R.Mahajan, Advocate General, Haryana with
Mr. Ravi Dutt Sharma, DAG, Haryana for the appellants.**

**Mr. J.S.Cooner, Advocate for the respondents in
LPA Nos. 1098-2017, 546 and 877 of 2018.**

**Mr. Ramandeep Singh, Advocate for the respondents in
LPA Nos. 736, 910, 1236, 1284, 1312, 1986 and 2185 of 2017.**

**Mr. Vishal Nehra, Advocate for the respondents
in LPA Nos. 1273, 1291, 1292, 1293 of 2018 and
910 of 2017.**

KRISHNA MURARI, CHIEF JUSTICE (Oral):

The issue for consideration raised in these appeals was in respect to payment of minimum wages to the respondents herein who were made to work as Chowkidar from 2007 on a fixed salary of Rs.1,000/- per month.

Upon hearing learned Advocate General Haryana on 3.10.2018 following order was passed:-

“The case set up by the State Government-appellant is that they were already working as Village Chowkidar(s) and in order to ensure safety of EDUSAT equipment(s) in educational institutions they were given additional charge and their appointment was till the State makes regular selection for appointment on the said posts. Surprisingly, no regular appointments were made and the respondents have been made to work for almost 11 years. Now, they are raising the claims for payment of at least minimum wages as per the notification issued by the State Government itself under the provisions of Minimum Wages Act, 1948. Their claims have been allowed by the Labour Court as well as the learned Single Judge.

The appeal has been filed by the State Government mainly on the ground that an application under Section 33-C(2) of the Industrial Disputes Act, made by the respondent(s) before the Labour Court was not maintainable as the question making payment of minimum wages was an issue to be determined thus could not have been granted in proceedings under Section 33-C(2)

The argument advanced on behalf of the respondent(s) is that entitlement of payment of minimum wages is under a Statute and that being so it does not requires any determination at all and thus the Labour

Court cannot be faulted in allowing the application under Section 33-C(2)."

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:-

Sr. No.	Date	Honorarium (Monthly)	Uniform Allowance (Yearly)	Lathi & Batory Allowance (Yearly)
01	01.11.1996	400	250	-
02	1997	400	500	-
03	01.03.2006	1000	1000	250
04	01.04.2009	1500	1500	500
05	01.01.2011	2000	1500	500
06	01.04.2013	2500	2000	750
07	01.01.2014	3500	2000	750
08	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.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

20.02.2019
Manoj Bhutani

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