

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 14135-2015
Date of decision:-20.02.2020

Zamir

.....Petitioner

vs.

State of Haryana and ors.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Harsh Aggarwal, Advocate
for Mr. S.K. Nehra, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana

RITU BAHRI, J.(Oral)

The present petition is for issuance of direction to the respondents to grant minimum of the pay scale, in view of judgment of Hon'ble the Supreme Court of India in a case of ***Hargurpratap Singh vs. State of Punjab, 2007 (13) SCC 262.***

On notice of the petition, a reply has been filed on behalf of respondent Nos. 1 to 4 stating therein that there is no relationship between petitioner and respondent-department, as the petitioner has never been appointed by the respondent-department. Further his salary or wages has also not been released or paid from their funds and heads.

Thereafter, pursuant to order dated 09.08.2017, an affidavit dated 02.08.2018 has been filed taking a stand that petitioner was not hired by the department rather the work pertaining to running of water supply from Boosting Station constructed near the hospital of Datta Village of Tehsil Hansi was given on tender to a contractor who has hired the services of the petitioner and the said contractor made the payment of salary to the petitioner. The sufficient duration of work of the petitioner was not more than two hours for

running the pump of boosting station, as it covers the drinking water supply of meager population of village to the tune of 20 or 25% and rest of inhabitants of village Data are being facilitating the water supply scheme from main water supply scheme of village Datta.

No replication has been filed by the petitioner till date to deny the above facts stated in the reply and affidavit.

The question for consideration in the present writ petition is that whether any direction can be given to retain the petitioner at minimum wages.

This aspect has been considered by this Court in **CWP No. 13348-2018, decided on 10.12.2018 titled as Rajiv Kumar and others vs. State of Haryana and others**, wherein it has been held that if an employee is employed through some agency and not the department, then there is no binding contract between the petitioner and department. In case, there is any cause of action/grievance of petitioners, same accrues against the manpower contractors and not the department.

In view of the above, the writ petition is dismissed.

20.02.2020

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No