

CWP-10963-2016

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

CWP-10963-2016Date of Decision: 21st January, 2020Bakshish Kaur & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjeev Sharma, Advocate, for the petitioners.

Ms. Anu Pal, DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court praying for enhancement of their wages, which has consistently been paid at ₹ 5,000/- to the Crèche teachers and ₹ 3,000/- to the Care Takers in the Prison Department, Punjab.

It is the assertion of the counsel for the petitioners that the petitioners were appointed against the posts of Crèche teachers/Care Takers, for which they were granted monthly salary of ₹ 5,000/- and ₹ 3,000/- respectively. Since the year 2009-10, there has been no increase in the salary of the petitioners. He contends that the petitioners would be satisfied in case they are granted at least the wages, as has been fixed by the Deputy Commissioner, under the Minimum Wages Act, as the salary which the petitioner are drawing is less than that.

On the other hand, learned counsel for the State submits that the terms and conditions of the appointment were known to the petitioners and in fact, there is no regular post, on which they have been appointed and

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it has been made clear that the appointment can be withdrawn at any time. Assertion has also been made that it is not a salary, which is being actually given to the petitioners but is the honorarium for the work they have performed. The fact that the petitioners are working since the initial date of appointment and their work and conduct has not been faulted with, has not been disputed.

Having considered the submissions made by the learned counsel for the parties and keeping in view the fact that the petitioners have been working with the respondents for about 10 years and more and if there is no increase in their salary/honorarium, the respondents are required to consider the claim of the petitioners for enhancement of their salary/honorarium.

A direction is, accordingly, given to the respondents to consider the claim of the petitioners for enhancement of their salary/honorarium and pass an appropriate orders within a period of two months from today. In any case, as an interim measure, petitioners are held entitled to the minimum wages, as are fixed by the Deputy Commissioner. Petitioners would be entitled to the arrears of the wages, which may be calculated and released to them within a period of two months, which shall accrue to them from 38 months prior to the date of filing the writ petition i.e 26.05.2016.

(AUGUSTINE GEORGE MASIH)
JUDGE

21st January, 2020
Harish

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