

CWP No.20934 of 2021

Date of Decision: October 12, 2021

Sinder alias Surender Singh

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. D.S. Nain, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

LISA GILL, J

Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of learned counsel and in terms of circular dated 14.09.2021.

This petition has been filed seeking a direction to the respondents to release the arrears due to the petitioner along with interest in terms of order dated 20.02.2019, Annexure P-7, passed by a Division Bench of this Court in LPA No. 1273 of 2018 and other connected matters.

It is submitted that petitioner continuously worked on the post of EDUSAT Chowkidar. Similarly situated persons had approached this Court and a bunch of writ petitions were decided by a Coordinate Bench on 15.05.2017 whereby the respondents were directed to pay wages at the minimum of the regular pay scale available to regularly appointed employees of the same category as determined in Minimum Wages Act, 1948, since the date of their appointment or a period of 38 months prior to filing of the present writ petition whichever is later.

LPA No. 1273 of 2018 and other connected petitions were filed challenging decision of the Single Bench in CWP No. 17946 of 2015 and other connected matters. State Government before the Division Bench, took a categorical stand that it had finally decided that 4288 Chowkidars would be given honorarium at par with Revenue Chowkidars since their engagement was on the basis of the

honorarium, not appointed to any civil post but only to meet out the local needs for specific purposes. Amount of arrears was calculated as Rs.1,62,000/- from 01.06.2011 to 18.08.2017. Pattern on which the Chowkidars would be paid is detailed in order dated 20.02.2019, Annexure P-1, in LPA No. 1273 of 2018 and other connected matters. However, honorarium at par with Revenue Chowkidars pursuant to a specific stand taken by the State before the Division Bench in LPA No. 1273 of 2018 has not been released. It is stated that despite said orders, arrears are not being released to the petitioner, who is similarly situated as the petitioners in litigation before this Court. Learned counsel for the petitioner submits that despite serving legal notice dated 14.06.2021 (Annexure P5), no action is being taken.

At this stage, learned counsel for the petitioner restricts the prayer for a direction that legal notice dated 14.06.2021 (Annexure P5), be decided by the authorities in a time bound manner.

Notice of motion.

Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the respondents and does not raise any serious objection.

Keeping in view the facts and circumstances of this case and limited prayer addressed, but without any expression of opinion on the merits of the matter, this petition is disposed of with a direction to the competent authority to decide legal notice dated 14.06.2021 (Annexure P5), within a period of three months from receipt of certified copy of this order.

Petition is disposed of accordingly.

October 12, 2021
Rts

(Lisa Gill)
Judge

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