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

CWP NO. 4540 OF 2019

DATE OF DECISION : 26.05.2022

Kunwar Pal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ramandeep Singh, Advocate,
For the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of mandamus directing the respondents to grant pay scale of minimum wages along with arrears and interest @ 18% per annum instead of fixed wages of Rs.1000/- per month as per law laid down by Supreme Court in **2001 (1) SLR 653** because the petitioners are working for 17 hours a day.

2. In the return filed by the respondents No.1, 2 and 6, following stand has been taken :

"2. That LPA No.1273 of 2018 had been decided by Hon'ble Punjab and Haryana High Court vide order dated 20.02.2019 regarding the same cause of action. The operative part of the LPA No. 1273 of 2018 is as under:-

"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 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, Eight

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:-

<i>Sr.No.</i>	<i>Date</i>	<i>Honorarium (Monthly)</i>	<i>Uniform Allowance (Yearly)</i>	<i>Lathi & Battery Allowance (yearly)</i>
<i>01.</i>	<i>01.11.1996</i>	<i>400</i>	<i>250</i>	<i>-</i>
<i>02.</i>	<i>1997</i>	<i>400</i>	<i>500</i>	<i>-</i>
<i>03.</i>	<i>01.03.2006</i>	<i>1000</i>	<i>1000</i>	<i>250</i>
<i>04.</i>	<i>01.04.2009</i>	<i>1500</i>	<i>1500</i>	<i>500</i>
<i>05.</i>	<i>01.01.2011</i>	<i>2000</i>	<i>1500</i>	<i>500</i>
<i>06.</i>	<i>01.04.2013</i>	<i>2500</i>	<i>2000</i>	<i>750</i>
<i>07.</i>	<i>01.01.2014</i>	<i>3500</i>	<i>2000</i>	<i>750</i>
<i>08.</i>	<i>01.04.2018</i>	<i>7000</i>	<i>2500</i>	<i>1000</i>

The copy of this affidavit has 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 herein above with the consent of the learned counsel for the parties.”(Copy of Hon’ble high Court Order dated 20.02.2019 enclosed as Annexure-R/1) of Hon’ble High Court Order dated 20.02.2019 enclosed as Annexure-R/1)

3. That in compliance of decision dated 20.02.2019 in LPA No. 1273 of 2018 the Director General Elementary Education Haryana vide Memo No. 15/74-2004 Admn.(4) dated 29.07.2019 issued directions regarding the arrear amount of Honorarium in favour of EDUSAT chowkidars posted in the Schools in Haryana. (Copy of directions issued by Director General Elementary Education Haryana are enclosed as Annexure- R/2)

4. That the petitioners No.71 pertain to District Rewari.

5. That in compliance with the directions issued by Director General Elementary Education Haryana vide Memo no. 15/74-2004 Admn.(4) dated 29.07.2019 the arrear amount of Honorarium had already been paid to the petitioners no.71. (Copy of APR is enclosed as Annexures R/3)

It is therefore prayed to the Hon'ble High Court that the present writ petition may kindly be disposed of accordingly as having become infructuous in the interest of justice and equity."

3. In view of the aforesaid, no further proceedings are warranted before this Court.

4. In the premise, the instant writ petition stands disposed of with the directions to the respondents to remain bound by what has been specifically stated in the reply. Needless to say any violation thereof shall be construed as resiling from undertaking given in the Court and would invite consequential proceedings including contempt.

5. Disposed of accordingly.

MAY 26, 2022
Shalini

(ARUN MONGA)
JUDGE

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