

209(5 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 20.05.2022

CWP-19177-2015 (O&M)

Pehal Singh and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CWP-2364-2016 (O&M)

Janeshar Singh and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CWP- 3546-2016 (O&M)

Avtar Singh Nagla and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CWP- 3697-2016 (O&M)

Roshan Lal and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CWP- 4204-2016 (O&M)

Om Parkash and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. J.S.Saneta, Advocate,
Mr. Narender Pal Bhardwaj, Advocate,
Mr. Imran Mohd. Advocate for
Mr.Arvinnder Arora, Advocate,
For the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Amandeep Rana, Advocate,
For respondents No. 7 and 12 in CWP-4204-2016.

Mr.A.K.Walia, Advocate,
For respondent No.22 in CWP-2364-2016.

Mr. Rajesh Duhan, Advocate,
For respondents No.7 and 8
in CWP-19177-2015.

ARUN MONGA, J. (ORAL)

Aforementioned five writ petitions are being disposed of vide common order since facts as well as issues involved therein are similar. For brevity, recitals are from CWP-19177-2015.

2. Petitioners are before this Court seeking issuance of a writ in the nature of certiorari to quash the impugned letter dated 29.08.2014 (Annexure P-2) issued by respondent No.2 to the extent of the wages of the Tubewell Operators being then treated as part-time employees and instead seek directions to fix their wages as Rs.8,100/- per month, relying on respondent No.1 office order/letters dated 29.08.2014 (Annexure P-3) and another letter dated 02.06.2014 (Annexure P-4).

3 Having heard the arguments, I am of the view that relief sought by the petitioners herein is rendered stale and infructuous, as much water has passed below the bridge ever since the time of filing of the writ petitions. had directed all the Deputy Commissioners in the States to ensure that every pump operator gets minimum of Rs.8100/- as wages as well as amount had been directed to be remitted in the bank account of the said pump operators.

4 Subsequently, instructions dated 02.06.2014 (Annexure P-4), office of Additional Chief Secretary stand superseded vide another office order dated 01.02.2022. It is so contended by the learned State counsel also, on instructions from Mr. Balwinder Singh, (SDO Engg) Ambala. Copy thereof has been tendered in course of hearing and same is taken on record and marked as Annexure 'A'. For ready reference, the relevant extract of the same is reproduced hereinbelow:

1. *Multiple nomenclature being used for the Tubewell Operators such as booster operator, pump operator, pump attendant, keyman etc. needs to be clarified. PHED clarified that monthly remuneration of only those partial Tubewell Operators who were engaged by the Gram Panchayats through proper procedure for which funds were provided by the PHED directly into the account of Gram Panchayat, are required to be paid by the Development and Panchayats Department who are working on borewell tubewells used for supply of drinking water.*
2. *Monthly remuneration of all other workers i.e., booster operator, pump operator, pump attendant, keyman etc. need will be paid by the PHED as per their existing norms.*
3. *Monthly remuneration of Tubewell Operators deployed through contractor by the PHED and possess resolution of Gram Panchayat shall be paid Rs.4620 per month by the PHED and gap remuneration*

of Rs.5827/- per month will be paid by the Department and Panchayats Department to make it minimum wage of Rs.10,447/- per month as per Labour Department norms w.e.f. 01.04.2021. PHED will provide list of all such Tubewell Operators along with their names, bank account details and mobile numbers. From next financial year w.e.f. 01.04.2022 onwards, these Tubewell Operators will be paid by the Development and Panchayats Department.”

You are therefore, requested to provide the details of all the Tubewell Operators to whom payment of Rs.4620/- per month will be made by PHED so that gap funding could be done by the department. List of such Tubewell Operators shall be email to dir.dp.drd@gmail.com and veenush.nathalia@gmail.com.”

5. In view of the aforesaid, no further grounds are made out to continue with the writ proceedings. Same are disposed of with direction to the respondents to ensure that the aforesaid Instructions are strictly followed and beneficiaries therein are given all the benefits in accordance thereof.

6. As regards the claim of the petitioners qua setting up special cadre for the pump operators, the same is left open to be decided by the administrative authorities, upon there being any representation qua the same by the petitioners, for which liberty is granted to them.

7. Disposed of accordingly.

8. Pending applications, if any, shall also stand disposed of.

9. Photocopy of this order be placed on the connected case files.

(ARUN MONGA)
JUDGE

May 20, 2022
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No