

207
(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP No.26329 of 2015 (O&M)
Date of Decision: 08.04.2022

Fine Turn Auto Pvt. Ltd.

.....Petitioner

Versus

State of Haryana and another

.....Respondents

2. CWP No.7036 of 2016 (O&M)

DCM Textiles Hisar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. G.S. Bal, Senior Advocate with
Mr. Dilshad Singh Gill, Advocate,
for the petitioner in CWP-26329-2015.

Mr. Saurabh Arora, Advocate
for the petitioner in CWP-7036-2016.

Mr. Harish Rathee, Deputy Advocate General, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

By this common order, both the aforementioned writ petitions shall be decided, as common question of law is involved therein; and the same have arisen from the same notification dated 21.10.2015.

Both the aforementioned writ petitions have been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari quashing of impugned notification dated 21.10.2015 issued by the respondents, for not permitting segregation of wages into component of Basic Wages and allowances.

Learned counsel for the respondents has pointed out that the issue involved in the present petition(s) already stands decided by a Division Bench of this Court, vide judgment dated 18.08.2017 rendered in

CWP No.25328 of 2015 titled as Gurgaon Industrial Association and another Versus State of Haryana. Hence, the present petitions deserve to be dismissed being covered by the said judgment of Division Bench.

Additionally, learned counsel for the petitioner(s) has argued that in the present petition(s), the petitioner is challenging only inclusion of house rent allowance in the wages on the ground that the wages under the The Employees' Provident Funds and Miscellaneous Act, 1952, has been defined only to include the basic pay and dearness allowance and the said Act specifically excludes the house rent allowance. However, this Court finds the argument to be totally irrelevant. It is not even in dispute that the wages, as defined under the Minimum Wages Act, includes the house rent allowance, as well. Therefore, an employee can not be denied the statutory wages simply because the employer might face the heat of the same in some other respect. Needless to say that any aspect of EPF Act is not even involved in the present petitions.

Moreover, the prayer made in the present petition(s) is also identical to the prayer made in the above said writ petition decided by the Division Bench of this Court. Hence, bound by the judgment passed by the Division Bench of this Court; and following the same, the present petitions are dismissed in terms of the aforesaid judgment passed by the Division Bench of this Court in ***Gurgaon Industrial Association (supra)***.

The pending miscellaneous application(s), if any, is also disposed of as such.

08.04.2022
sandeep

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No