

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

CWP-9949-2023 (O&M)

Date of decision: 08.05.2023

Sunatya Kumar

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. H.C.Arora, Advocate for the petitioner

Ms. Akshita Chauhan, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. As per the consensus arrived at between the learned counsel representing the parties, the writ petition is disposed of in terms of the decision in CWP-14320-2020 titled as '**Hem Singh and others vs. State of Punjab and another**' decided on 27.04.2023, which reads as under:-

"1. The learned counsel representing the parties are ad idem that these writ petitions can be disposed of in terms of the judgment passed in Shamsher Singh and Others v. State of Punjab and Others (Civil Writ petition No. 16118 of 2020, decided on 25.04.2023), which reads as under:-

"Learned counsel representing the parties are ad idem that this writ petition is required to be disposed of in terms of the order passed in CWP-1789-2020 titled as 'Anil Kumar and others vs. State of Punjab and others' decided on 18.04.2023 alongwith other connected case, which reads as under:-

"The petitioners are working as Safai Karamcharis in the Department of Animal Husbandry, Fisheries and Dairy Development, Punjab. They pray for the issuance of a writ in

the nature of mandamus to direct the respondents to pay them salary as per the Deputy Commissioner's rate (representing minimum wages).

On the instructions from Sh. Sanjay Jhajhria, Assistant Legal, Department of Animal Husbandry, the learned counsel representing the State of Punjab has stated that the State Government has identified 498 such employees who are working on contractual basis, out of them 301 have been given wages at the minimum wages notified by the Deputy Commissioner, whereas, the payment to the remaining 196 (1 already dead) shall be released within a period of next 15 days.

In view of the aforesaid, these two writ petitions have been rendered infructuous.

However, the learned counsel representing the petitioners submit that direction be issued to the respondents to pay the arrears from the date of joining in view of the judgment passed in CWP-26265-2017, titled as "Ram Jaspal and others Vs. State of Punjab and others", decided on 25.07.2019.

Before deciding upon the question relating to entitlement of the petitioner to the arrears, the Court is required to examine the financial impact of such decision. The concept of equal pay for equal work or minimum wages is not an absolute doctrine. It is subject to various exceptions as noticed in State of Bihar Vs. Bihar Secondary Teachers Struggle Committee, Munger, (2019) 18 SCC 301.

Keeping in view the aforesaid facts, the petitioner, if so advised, may make a representation to the competent authority who shall pass an appropriate orders after examining the various facts within a period of six weeks from filing of the representation.

All the pending miscellaneous applications, if any, are also disposed of."

Ordered accordingly.

In view of the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.”

2. Ordered accordingly.”

2. All the pending miscellaneous applications, if any, are also disposed of.

08.05.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE