

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CWP-11034-2023 (O&M)  
Date of decision: 22.05.2023

Madan Lal

...Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Vikram Sheoran, Advocate for the petitioner.

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**HARNARESH SINGH GILL, J. (ORAL)**

Prayer in the present petition is for issuance of a writ in the nature of Mandamus directing the respondents to consider the petitioner as skilled persons and pay him the salary @ Rs. 10,000/- per month w.e.f. his dates of appointment and @ Rs. 11,429/- per month w.e.f. 01.01.2016, as per Notification/letter dated 11.09.2017 (Annexure P-6) as well as to grant him the benefit of ESI and EPF and to enhance his salary 7% every year as per the letter dated 28.08.2014 (Annexure P-4) and to pay the arrears along with interest @ 18% per annum till date of realization.

Learned counsel for the petitioner submits that the petitioner, being fully eligible, was appointed as Lab. Assistant/Lab. Attendant on contractual basis in different schools of the State of Haryana in the month of

July-2011, and since then he has been working as such and that the contract with the service provider was terminated by respondent No.2-Director General, Secondary Education Department, Haryana, on 23.04.2014 and vide letter dated 28.08.2014 (Annexure P-4), the petitioner was asked to continue to work as Lab. Assistants in ICT Labs. He refers to the following terms and conditions contained in the letter dated 28.08.2014:-

*“1(i) The salary of Lab. Assistants, considering them as Semi Skilled workers, shall be fixed as Rs. 6000/- per month on work order basis and on 7 hours of working per day.*

*1(ii) All Sundays and Gazetted Holidays shall be permissible holidays.*

*1 (iii) They shall be entitled for 12 casual leaves annually.*

*1 (iv) Women candidates shall be entitled for maternity leave with 3 months paid leave and 3 months without pay, subject to submission of all the required documents as the case may be.*

*1 (v) Admissible benefits of ESI and EPF shall be allowed as per the employer's share on the salary of Rs. 6000 and deduction of ESI and EPF from Salary of employees as per employee's share.*

*1 (vi) The monthly salary on work order basis shall be increased by 7% every year.*

Learned counsel for the petitioner further submits that vide letter dated 11.09.2017 (Annexure P-6) issued by the General Administration Department, Govt. of Haryana, the wages/honorarium of contractual/outsourced persons engaged under outsourcing Policy dated 06.04.2015 (Annexure P-6A), were increased w.e.f. 01.01.2016 and that as per the Policy dated 06.04.2015, the petitioner fall under the category of skilled person, as he is Matriculate and having one year Diploma. He, thus,

prays to grant relief to the petitioner as per letters dated 28.08.2014 (Annexure P-4) and 11.09.2017 (Annexure P-6). He relies upon the order dated 11.04.2023 passed by this Court in CWP-28563-2017 titled as ‘Sunil Kumar and ors. Vs. State of Haryana and another.’.

Learned State counsel, very fairly concedes that the present petition may be disposed of with a direction to respondent No.2-Director General, Secondary Education Department, Haryana, so as to consider the case of the petitioner in the light of the letters dated 28.08.2014 and 11.09.2017 aforesaid.

I have heard the learned counsel for the parties.

In view of the contentions of the learned counsel for the petitioner and the fair concession made by the learned State counsel, the present petition is disposed of with a direction to respondent No.2-Director General, Secondary Education Department, Haryana, to consider the case of the petitioner in the light of the letters dated 28.08.2014 and 11.09.2017 and decide the same within two months, in accordance with law, from the receipt of the certified copy of this order.

(HARNARESH SINGH GILL)  
JUDGE

22.05.2023  
Mangal Singh

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |