

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25781-2015
DECIDED ON: 28.07.2023

VISHNU BHANDARI AND ORS.

.....PETITIONERS

VERSUS

STATE OF HARYANA DN ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Ruby Kaur, Advocate
for the petitioners.

Mr. Sandeep Singh Mann, Addl. AG, Haryana.

Mr. Kartar Singh Malik, Advocate for respondents No.3 to 8.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been preferred under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for release of wages as was applicable at the time he joined the services, in the year 1997. The petitioners have in fact joined the services as part time worker from 18.11.1997 as has been narrated in para 6 of the writ petition, which reads as under:-

“That the petitioners belong to poor strata, with hard work are taking care of their families. That list from year 1997 alongwith the rate of making the payment of DC rates, working hours, daily payment and total amount paid is being reproduced for the kind consideration of this Court:-

Year	Payment of DC Rate	Working Hours	Daily Payment	Total Amount
18/11/1997	9 rupees hour	Six hours	54 rupees	1404
1998	10 rupees hour	Six hours	60 rupees	1560

1999	11 rupees hour	Six hours	66 rupees	1716
2000	12 rupees hour	Six hours	72 rupees	1872
2001	13 rupees hour	Six hours	78 rupees	2028
2002	14 rupees hour	Six hours	84 rupees	2184
2003	15 rupees hour	Six hours	90 rupees	2340
2004	16 rupees hour	Six hours	96 rupees	2496
2005	17 rupees hour	Six hours	102 rupees	2652
2006	22 rupees hour	Six hours	110 rupees	2860
2007/9.10.07	27 rupees hour	Six hours	162 rupees	4212
10.11.07	27 rupees hour	Four hours	135 rupees	3510
2008	37 rupees 75 paise hour	Four hours	151 rupees	3930
2009	40 rupees hour	Four hours	160 rupees	4160
2010	46 rupees 25 paise hour	Four hours	185 rupees	4800
2011	51 rupees 25 paise hour	Four hours	204 rupees	5280
2012	58 rupees 75 paise hour	Four hours	235 rupees	6110
2013	67 rupees 75 paise hour	Four hours	268 rupees	6970
2014	78 rupees 75 paise hour	Four hours	312 rupees	8112
18/11/97 to 9/10/97		Six hours		
11/10/07 to now		Four hours		

The petitioners are now aggrieved on account of the fact that vide subsequent instructions dated 13.05.2008, the rates of wages on DC rates were revised and were ordered to be paid 1/4th part of per hour and the same was continued vide another letter dated 29.06.2009. It is also an admitted fact that another letter was issued in the year 2011, pertaining to the DC rates, which is for the period from 01.04.2011 to 31.03.2012. The same situation continued for the period during 2012-13. Such copies of letters are on record as Annexurs P-1 & P-2 respectively.

It is also the assertion on behalf of the petitioners that arrears since 25.11.2014 have not been paid to the petitioners and without any notice or any opportunity of hearing, their wages have been reduced and the petitioners were also dis-continued from work since two years.

Learned counsel for the respondents No.3 to 8 has drawn attention of this Court to the para 9 of the written statement, which reads as under:-

“That the contents of para No.9 of the writ petition are wrong and hence denied. However, it is stated that the petitioners are being paid the wages fixed by the Deputy Commissioner of the District and the arrear for the period from 01.04.2015 to 30.04.2017 has been paid to the petitioners and no any amount is due.”

Be that as it may from the totality of facts, if examined, it is evident that the petitioners were engaged as part-time workers on 89-days basis with one day break as per D.C. Rates, admittedly, in the year 1997, but subsequently DC rates were reduced with the instructions that the working hours have been reduced from 6 to 4 as per the requirement of work w.e.f. March, 2008. Accordingly, the wages were reduced by 1/4th.

Since the nature of work performed by the petitioners is contractual in nature with a stipulation of 89 days and thereafter a fresh contract is entered into

and it is a settled proposition of law by various judgments rendered by Supreme

Court as well as by this Court that each and every terms and condition of the contract can be changed and entered. Thus, in the light of settled law, the petitioners have no legal right to claim the wages as per their initial date of joining as part time workers in the year 1997.

Otherwise also it has come to the notice on perusal of the written statement vide para 9, as is reproduced hereinabove, that the wages fixed by the D.C., have been paid alongwith arrears for the period 01.04.2015 to 30.04.2017 and no amount is due. Beyond that, learned counsel for the petitioners could not raise or assert any other issue to claim on the basis of their legal right to claim wages as was given in the year 1997 i.e., at the time of initial joining.

In the light of the above discussions made hereinabove, petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

28.07.2023

Meenu

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