

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CWP-25412-2017 (O&M)
Date of Decision:04.12.2023

Bhajan Lal and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

2.

CWP-16822-2017

Gagan Deep and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

3.

CWP-16821-2017

Chander Bhan Sharma and others

.....Appellants

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jasbir Mor, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI J.(Oral)

1. By this common order, above-mentioned three petitions filed by the petitioners are being disposed of as all the petitions involve same question of law on similar facts. The facts are being taken from CWP-25412-2017.

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2. In the present petition, the grievance of the petitioners are that they are working under the Scheme of Mahatma Gandhi National Rural Employment Guarantee Act 2005 (for short the 'MGNREGA Scheme'). Under the said scheme, the staff is to be deployed to implement the scheme at District/Blocks/Gram Panchayat levels and the Panchayats are authorized to deploy the staff for forming the committee to implement the scheme. The claim of the petitioners is that they were appointed by the relevant Gram Panchayat and are still working under the Scheme but they are being paid a consolidated salary of Rs.6,000/- per month, which is much less than the minimum wages fixed for unskilled worker, hence, the minimum wages for a category to which the petitioners belong keeping in view the nature of duties should be fixed so that, no provisions of any act including the Minimum Wages Act is violated.

3. The learned State counsel has not been able to rebut that according to the Minimum Wages Act, certain wages have been fixed to be given as a minimum wage to a particular category of an employee which could be skilled, semi skilled, labourer or unskilled.

4. That being the position, the question which arises is whether the petitioners who will either fall under the unskilled, skilled or semi skilled category workers can be given wages which is less than the minimum wages fixed by the State. The learned counsel for the respondent-State submits that once, the employment is to be given by the Gram Panchayat and that too for only 100 days in a particular year, the wages can be fixed even which are given less than the minimum wages fixed by the Government of Haryana.

5. The said contention raised is contrary to the provision of Minimum Wages Act which has been framed by the Union of India for the welfare of the

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employees so that no employee is caused prejudice qua the salary to be received. Once under an act minimum wages have been fixed for a particular category of an employee even while framing the scheme, the respondents have to take into consideration the said minimum wages fixed so that the employees of a particular category are not exploited.

6. Keeping in view the above, the present petition is disposed of with a direction that in case the petitioners are still working with any of the Gram Panchayat, the claim of the petitioners for the grant of minimum wages as fixed by the Government of Haryana for skilled, semi skilled or unskilled workers be given to the petitioners by ascertaining in which category the petitioners will fall keeping in view the nature of the duties.

7. Let the petitioner file a representation claiming the benefit by giving the details at which place they are working now under which Gram Panchayat so that appropriate consideration could be given by the respondent concerned/State in pursuance to the directions being given in the present order. In case, any representation is filed by the petitioners, let appropriate order be passed in accordance with law by taking into consideration the observations of this Court in the present order within a period of eight weeks from the receipt of such representation.

8. A photocopy of this order be placed on the files of other connected matters.

(HARSIMRAN SINGH SETHI)
JUDGE

04.12.2023

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