

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

229

**CWP-28563-2017 (O&M)
Date of decision: 11.04.2023**

Sunil Kumar and others

...Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vijay Pal, Advocate and
Mr. Ashish Kumar, Advocate for the petitioners.

Mr. Rohit Arya, DAG Haryana.

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 petitioners as skilled persons and pay them the salary @ Rs. 10,000/- per month w.e.f. their dates of appointment and @ Rs. 11,429/- per month w.e.f. 01.01.2016, as per letter dated 11.09.2017 (Annexure P-6) as well as to grant them the benefit of ESI and EPF and to enhance their 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 petitioners submits that the petitioners, being fully eligible, were appointed as Lab. Assistants/Lab. Attendants on contractual basis in different schools of the State of Haryana in the month of July-2011, and since then they have 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 petitioners were 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 petitioners 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 petitioners fall under the category of skilled persons, as they are Matriculate and having one year Diploma. He, thus, prays to grant relief to the petitioners as per letters dated 28.08.2014 (Annexure P-4) and 11.09.2017 (Annexure P-6).

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 petitioners 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 petitioners 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 from the receipt of the certified copy of this order.

(HARNARESH SINGH GILL)
JUDGE

11.04.2023
Mangal Singh

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