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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8731-2020 (O&M)
Date of decision: 18.07.2024

SATYAWAN (DECEASED) THROUGH HIS LRs AND OTHERS
...Petitioners

VERSUS

STATE OF HARYANA AND OTHERS
...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Kapil Bansal, DAG, Haryana.

Mr. R. S. Kundu, Advocate and
Mr. A. S. Chahal, Advocate
for respondents No.4 to 6 and 8.

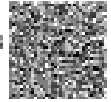
Mr. Piyush Khanna, Advocate
for respondent No.7.

JASGURPREET SINGH PURI, J. (Oral)

CM-10123-CWP-2024

Prayer in this application is for impleading LRs of petitioner No.1-
Satyawan, who is stated to have died on 23.07.2023.

The application is allowed. LRs of the petitioner No.1 as
mentioned in para No.2 of the application are permitted to be impleaded as
party to this petition, subject to all just exceptions. Amended memo of parties is
taken on record. Registry to tag the same at appropriate place in the file.

**CM-10124-CWP-2024**

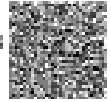
Prayer in this application is for placing on record replication filed by the petitioners to the reply filed on behalf of respondents No.1 and 2 and respondents No.4 to 6 and 8.

For the reasons mentioned in the application, the same is allowed. Replication is taken on record, subject to all just exceptions.

CWP-8731-2020

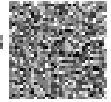
1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned action of the respondents of closing down the Drug De-addiction Centre run by the Indian Red Cross Society, Jind and thereby, terminating the services of petitioners No.1, 2 and 15 vide order dated 31.10.2019 (Annexure P-21) (Colly.) and similar termination orders issued to the other petitioners with a further prayer to direct the respondents to release the funds to run the Drug De-addiction Centre, Jind and to take back the petitioners in service on their respective posts and also to release the wages/salary of the petitioners.

2. At the outset, learned counsel for the petitioners submitted that although the prayer made in the present writ petition is for directing the respondents not to close the Drug De-addiction Centre at Jind, which is being run by the Indian Red Cross Society, District Branch Jind, but he restricts his prayer only to the limited extent that for the time the petitioners have actually worked, they should be granted the honorarium for the post on which they were appointed. He further submitted that so far as petitioner No.1, namely,

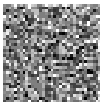


Satyawan is concerned, he has died and his legal representatives would be entitled for the same. He further submitted that it is a case where in the State of Haryana, the Indian Red Cross Society is being operated at District level and the President is the Deputy Commissioner and it is being run on the basis of grant-in-aid/assistance by the Government of Haryana, which in turn gets the grant-in-aid/assistance from the Government of India, Department of Ministry of Social Justice and Empowerment. He further submitted that all the Districts of the State of Haryana run the Drug De-addiction Centres for the purpose of rehabilitation of drug addicts. It is only in District Jind, which is a subject matter of the present case that the Drug De-addiction Centre has been closed for the reasons best known to the respondents and all the Drug De-addiction Centres in other Districts of State of Haryana are being run continuously. He further submitted that the petitioners were appointed on honorarium basis and they were continuously working but because of the fact that the aforesaid Drug De-addiction Centre, Jind has been closed, they have become jobless. He further submitted that now the claim of the petitioners is only restricted to the limited extent that at least for the time they have worked in the aforesaid Drug De-addiction Centre, Jind, they must be paid their honorarium.

3. Learned counsel for the petitioners also submitted that the petitioners are claiming their honorarium from May, 2017 to 31.10.2019 in case of petitioners No.1, 2, 8, 10, 12 and 13 and from the date of joining to 31.10.2019 in case of petitioners No.3 to 7, 9, 11, 14 and 15. He further submitted that a stand was taken by the respondents that the Drug De-addiction Centre, Jind has been closed because its licence was suspended and therefore,



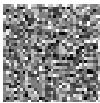
the petitioners did not work and are not entitled for salary. In this regard, he referred to the reply filed on behalf of respondents No.4 to 6 and 8, in which it has been stated that because the Drug De-addiction Centre was in operation for a period of five years i.e. from 10.05.2012 to 09.05.2017 and the licence remained suspended/cancelled with effect from 10.05.2017 to 25.09.2018 and was renewed on 26.09.2018 for a period of three years and the staff of the Centre is given honorarium and not the salary, the petitioners are not entitled for the alleged salary and submitted that although the licence might have been suspended but the ground reality is that the petitioners actually worked from May, 2017 to 31.10.2019. He further submitted that the stand which has been taken during the course of arguments by the learned counsel for the respondents that the Drug De-addiction Centre, Jind remained closed is factually incorrect in view of the annual reports, which were sent by the Indian Red Cross Society, District Branch, Jind which have been attached with the present writ petition as Annexure P-13. He further submitted that a perusal of Annexure P-13 would show the yearly statements of the Drug De-addiction Centre, Jind. The first statement is of the year April, 2015 to March 2016, wherein details in the prescribed format have been given with regard to the number of drug abusers who were under treatment, medicines used etc. The next yearly report which has been attached is from April, 2016 to March, 2017 and again details have been given in the prescribed format. Thereafter, yearly report of April, 2017 to March, 2018 has been attached while giving the details, which show that in the column of registration, it has been so stated that the number of clients registered in the Centre are 489 in total. The details of number of drug abusers of alcohol



have been shown to be 287 and of opium to be 29. The nature of the drug is also mentioned in the succeeding column. Thereafter, details of the persons who have been getting treatment is also stated in the remaining part of the report. The aforesaid report is dated 10.08.2018, which has been sent by the Project Director of the Drug De-addiction Centre, Jind, which makes it very clear that at least for the period from April, 2017 to March, 2018, the Drug De-addiction Centre, Jind was working and he could not lay his hands on the subsequent reports. He further submitted that in this way, the Drug De-addiction Centre, Jind was actually working even if formally there was no licence etc. with it as per the respondents. He further submitted that once detailed reports have been sent by the Project Director of the Drug De-addiction Centre, Jind with regard to giving details of the number of drug abusers etc., then the stand which has been taken by the respondents that the Drug De-addiction Centre, Jind has been closed is a false stand.

4. Learned counsel for the petitioners also submitted that his limited prayer is only to the extent that for the time when the petitioners have actually worked, they should be granted the honorarium on which they were appointed. He further referred to para No.4 of the writ petition, wherein the details of the petitioners with regard to their post, qualification, date of joining etc. have been given in a tabulated form and the same is reproduced as under:-

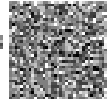
Sr. No.	Name of the petitioner	Name of post	Qualification	Date of joining	Whether regular/ contractual basis
1	Satyawan	Social Worker	B.A. Sociology	03.07.2003	Regular
2	Birender	Yoga Therapist	B.A., Diploma in Yoga	14.04.2005	Contractual



3	Anita Rani	Staff Nurse	G.N.M.	23.08.2018	Regular
4	Vikash	Peer Educator	10+2	23.08.2018	Regular
5	Seema Devi	Staff Nurse	G.N.M with Basic B.Sc. Nursing	23.08.2018	Regular
6	Manu Saini	Accountant cum Clerk	B.Com 1 year Computer Diploma	23.08.2018	Regular
7	Manoj Kumar	Ward Boy	B.A., 1 year ITI Copa Diploma	30.11.2018	Regular
8	Dilbag Singh	Project Director	M.A. and LLM	08.07.1992 as Counsellor 11.09.1999 as Project Director	Regular
9	Rohit	Ward Boy	B.A.	23.08.2018	Regular
10	Raja	Sweeper	Uneducated	17.07.1992	Regular
11	Surender Kumar	Chowkikar	Illiterate	14.02.2019	Contractual
12	Babu Lal Sharma	Medical Officer	MBBS	23.02.1993	Contractual
13	Rajbir Singh	Social Worker	M.A B.Ed.	01.03.1995	Regular
14	Vijay Kumar	Cook	10+2	22.10.2018	Regular
15	Manish Kumar	Chowkidar	B.A B.Ed.	22.10.2018	Regular

5. On the other hand, learned counsel for respondents No.4 to 6 and 8-Indian Red Cross Society submitted that the respondent-Indian Red Cross Society, District Branch Jind was closed and there are no funds with the Indian Red Cross Society, District Branch, Jind neither the same has been given by the Government of Haryana nor by the Government of India and therefore, they cannot give any honorarium to the petitioners.

6. Learned State counsel submitted that the primary responsibility of giving the funds lies with the Government of India, Department of Ministry of Social Justice and Empowerment and in case the Government of India releases

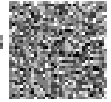


funds to the State Government, then the same will be transmitted to the Indian Red Cross Society, District Branch, Jind for the purpose of giving honorarium to the petitioners, if they are so entitled and in case they have actually worked.

7. Learned counsel for respondent No.7-Union of India submitted that the reason as to why the funds have not been provided to the Government of Haryana for Indian Red Cross Society, District Branch, Jind is that there was no proposal from the State of Haryana with regard to the same pertaining to the Red Cross Society, District Branch, Jind. He further submitted that had there been a proposal for the same, the Government of India would have given the grant-in-aid to the Government of Haryana, so that the same could have been given to the Indian Red Cross Society, District Branch, Jind.

8. I have heard the learned counsels for the parties.

9. It is a case where the petitioners have now laid their claim only to the limited extent of getting their honorarium/salary for the time they have actually worked i.e. from May, 2017 till 31.10.2019 in case of petitioners No.1, 2, 8, 10, 12 and 13 and from the date of joining (as per the table reproduced hereinabove at para No.4 of this judgment) till 31.10.2019 in case of petitioners No.3 to 7, 9, 11, 14 and 15. It is a case of the learned counsel for the petitioners while referring to the report for the period from April, 2017 to March, 2018 that it is factually incorrect that the Drug De-addiction Centre, Jind was not in operation because elaborated and detailed report was sent by the Project Director of the De-addiction Centre, Jind and therefore, now on the ground of paucity of funds, the petitioners cannot be denied their honorarium for the period they have actually worked. On the other hand, it is a case of the learned

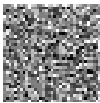


State counsel that in case the Government of India releases the funds to the State Government, then the same will be given to the Indian Red Cross Society, District Branch, Jind. On the other hand, it is a case of the learned counsel for the respondent-Union of India that since no proposal was sent to the Union of India by the Government of Haryana for the purpose of grant-in-aid to the Indian Red Society, District Branch, Jind, the same was not released.

10. This Court is of the considered view that the such inter departmental technicalities cannot deprive the petitioners of their legitimate right of receiving the honorarium for the period they have physically and actually worked on a particular post.

11. In view of the above, the present writ petition is disposed of. The Joint Secretary of the Ministry of Social Justice and Empowerment Department, Government of India is directed to coordinate with the Principal Secretary to the Government of Haryana, Social Justice and Empowerment, Haryana and fix a meeting in this regard at any convenient date, preferably within a period of two months from today and consider the aforesaid issue with regard to the grant-in-aid to the Indian Red Cross Society, District Branch, Jind.

12. It is further directed that the petitioners will be entitled for honorarium for the time they have actually worked and regarding which the aforesaid Joint Secretary of the Ministry of Social Justice and Empowerment Department, Government of India and the Principal Secretary to the Government of Haryana, Social Justice and Empowerment, Haryana will take a conscious decision and pass an order within next one month. In case, it is found that the petitioners have actually worked, even if there was no licence, then they



will be paid the entire honorarium along with interest @ 6% per annum (simple) for the aforesaid period i.e. from May, 2017 till 31.10.2019 in case of petitioners No.1, 2, 8, 10, 12 and 13 and from the date of joining (as per the table reproduced hereinabove at para No.4 of this judgment) till 31.10.2019 in case of petitioners No.3 to 7, 9, 11, 14 and 15.

18.07.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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