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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2244-2017 (O&M)

Date of Decision: 08.02.2024

Saurabh Kaushik and others

....Petitioner(s)

Versus

Dakshin Haryana Bijli Vitran Nigam, Hisar and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parvesh K. Saini, Advocate, for the petitioners.

Mr. J.S.Bedi, Advocate, for respondents No.1 to 5.

Mr. Tushar Wadhwa, Advocate, for
Mr. Sanjiv Gupta, Advocate, for respondent No.6.

JASGURPREET SINGH PURI, J. (Oral)

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 letter dated 05.10.2016 (Annexure P-10), letter dated 07.12.2017 (Annexure P-11) and impugned action of respondents vide Annexures P-5 and P-7 vide which the salary of the petitioners has been reduced.

2. Learned counsel appearing on behalf of respondent No.6 has stated that in pursuance of the orders passed by this Court on 25.01.2024, the costs have been deposited with the Punjab and Haryana High Court Bar Association.

3. Learned counsel appearing on behalf of the petitioners has

submitted that the controversy involved in the present case is that the petitioners are working as Data Entry Operators with the respondent-Nigam on outsource basis and they are working through the contractors-respondents No.6 and 7. They were paid their salaries on the basis of DC rates fixed by Deputy Commissioner, Hisar but suddenly in the year 2015, the salaries of the petitioners were reduced and the same was done by virtue of letters (Annexures P-10 and P-11) written by the Nigam to the contractor and the salary was reduced below the DC rates, Hisar. He submitted that thereafter the present petition was filed and the recovery was stayed by interim order passed by this Court dated 13.02.2017. He further submitted that it is a settled law that the salary cannot be reduced below the DC rates or whichever the minimum wages available under the law because the Deputy Commissioner always fixes the rates which are based upon statistical data and is revised from time to time and the law stands settled in judgment of this Court in ***CWP No. 22428 of 2014, titled 'Rajesh Kumar and others vs. State of Haryana and others'***. He also referred to a judgment of the Hon'ble Supreme Court in ***State of Punjab and others vs. Jagjit Singh and others, Civil Appeal No.213 of 2013, decided on 26.11.2016*** in this regard. Following the aforesaid judgments, a Co-ordinate Bench of this Court has also allowed the petition on similar grounds vide Annexure P-15 and direction was issued to pay the difference of salary to the petitioners of that case and the present case is fully covered by the aforesaid judgments. He submitted that in the aforesaid judgment of a Co-ordinate Bench of this Court vide Annexure P-15, a review application was filed by the Nigam and in the review the order was modified to the extent that the petitioners of that case were not to be granted the minimum pay scale. He submitted that so far

as the direction with regard to the payment of difference of wages as per DC rates is concerned, the same remain intact and therefore to that extent the petitioners are entitled for the same

4. Learned counsel also submitted that during the pendency of the present petition the respondents have now rectified their mistake and they have now started paying the petitioners on the DC Rates Hisar to which they were entitled and now the only subject matter of the present petition is restricted to the payment of the arrears of the difference especially in consonance with the judgment of a Co-ordinate Bench of this Court vide Annexure P-15 to which the petitioners are entitled alongwith interest.

5. On the other hand, Mr. J.S. Bedi, Advocate appearing on behalf of respondents No.1 to 5 and Mr. Tushar Wadhwa, Advocate appearing on behalf of respondent No.6 have submitted that it is correct that during the pendency of the present petition in the year 2018, the payment of wages of DC rates Hisar has been restored to the petitioners vide Annexure R-1 and submitted that now the subject matter of the present petition is only as to whether the petitioners will be entitled for the grant of the difference of pay from the time when their pay was reduced till the time it was restored and for the same necessary representation can be made to the respondent-Nigam in this regard.

6. I have heard the learned counsel for the parties.

7. The narrow compass of the present case now rests only to the effect as to whether the petitioners are entitled for the difference of the pay from the time their pay was reduced till the time it was restored by the Nigam themselves in the year 2018 during the pendency of the present petition. Learned counsel for the petitioners has relied upon Annexure P-15

a judgment passed by a Co-ordinate Bench of this Court and also another judgment of this Court in ***Rajesh Kumar and others vs. State of Haryana and others' (Supra)*** and a judgment of Hon'ble Supreme Court in ***State of Punjab and others vs. Jagjit Singh and others (Supra)***. In the aforesaid judgment (Annexure P-15) on similar set of circumstances the pay was reduced and this Court directed the payment of the difference of pay to be released to the petitioners of that case within a period of four months. So far as the grant of pay scale is concerned, the same already stood modified in review, as per the learned counsel for the parties and therefore, this Court is of the view that the prayer in the present petition is covered by the aforesaid judgment passed by a Co-ordinate Bench of this Court vide Annexure P-15.

8. Consequently, the present petition is partly allowed. The respondents are directed to pay the difference of wages to the petitioners which are to be calculated from the time when the pay was reduced till the time it was restored by the respondents alongwith interest @ 6% per annum within a period of four months from today. In case the aforesaid amount is not paid within a period of four months, then the petitioners shall be entitled for future rate of interest @ 9% per annum.

08.02.2024

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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