
(2014) 04 P&H CK 0107

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 21189 of 2010 (O and M)

Indu Verma

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 29-04-2014

Acts Referred:

Citation : (2014) 176 PLR 11 : (2014) 4 SCT 77 : (2015) 1 SLJ 175

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Advocate : Gurmeet Singh Saini and J.S. Thind, Advocate for the Appellant;
Monica Chhibber Sharma, Deputy Advocate General, Advocate for the Respondent

Judgement

Rajesh Bindal, J.—The petitioners, who are working on different posts in the office of District Attorney, Amritsar and Patiala, have filed the present writ petition, praying that all the Saturdays in every month be declared as closed days, as declared by the State of Punjab for other offices. The submission is that in the Courts only second Saturday is observed as holiday and the petitioners are required to work on other Saturdays. Even on the dates when there is holiday in the State but the Courts are open, the petitioners are required to work but no extra remuneration is being paid. While referring to judgment of Hon"ble the Supreme Court in Municipal Employees Union (Registered) Sirhind and others v. State of Punjab and others 2000 (9) SCC 432, the submission is that the petitioners are required to be paid extra remuneration for working on Saturdays.

2. Learned counsel for the State submitted that the notification which is sought to be relied upon by the petitioners provided that in case all the Saturdays were declared holidays, the working hours of the offices are to be from 9.00 am to 5.00 pm with lunch break of half an hour. In the present case the working hours of the staff working in the office of District Attorney is from 9.30 am to 4.30 pm. It was further submitted that the case of the petitioners was considered by a High Level Committee presided over by the then Chief Secretary and it was found that the petitioners cannot be compared with the staff working in the office

of Director, Prosecution and Litigation, Punjab, Chandigarh, as both the cadres are different. Hence, no case of interference is made out in the present writ petition.

Heard learned counsel for the parties and perused the paper book.

3. The case of the petitioners is based upon a notification dated 7.4.1980 issued by the State Government vide which all the Saturdays were declared holidays with the condition that the working hours shall be from 9.00 am to 5.00 pm with lunch break of half an hour. The petitioners herein are working in the office of District Attorney, Amritsar and Patiala. Their working is related with the working conditions in the Courts. By notification dated 17.4.2009, the working hours of the staff working in the office of District Attorney of the State of Punjab were fixed from 9.30 am to 4.30 pm i.e. one hour less than the working hours fixed for the staff where all the Saturdays were declared closed. It is not disputed that second Saturday is observed holiday in the office of District Attorney, as it is a close day in the Courts.

4. Further the claim of the petitioners with reference to judgment of Hon'ble the Supreme Court in Municipal Employees Union (Registered) Sirhind's case (supra) was considered in a meeting held on 16.1.2009, under the Chairmanship of the then Chief Secretary, Punjab, and the same was partially accepted to the extent that the working hours were reduced to 9.30 am to 4.30 pm as against 9.00 am to 5.00 pm, where all Saturdays closed. It was further found that the claim of the petitioners was not covered in terms of the principles laid down in the aforesaid judgment as the staff working in the office of the Director, Prosecution and Litigation, Punjab, and in the office of District Attorney were having separate cadres, seniority and governed by separate set of Rules. Relevant part of the minutes of the meeting is extracted below:-

"The representationists cannot take an advantage to their contention from the judgment passed by the Hon'ble Supreme Court of India in Municipal Employees Union (Regd.) and others v. State of Punjab and others Civil Appeal No. 8434 of 1997 decided on March 15, 2000 and Naranjan Dass v. State of Punjab, Civil Writ Petition No. 1539 of 1987 decided by the Hon'ble High Court of Punjab and Haryana on 29.02.2006. In both these cases, the petitioners, the employees of the Municipal Committee in the case decided by the Supreme Court and the employee of Industrial Department in the case of Naranjan Dass had claimed the benefit of working on Saturday since their counterparts working in the Head Office were entitled to enjoy holiday on Saturday, keeping in view that there were five working days in a week. In both these cases, the employees of the Head Office and those working on Saturday belonged to the same cadre and governed by the same set of Rules and their posting were interchangeable. In the case of employees of office of District Attorney, they cannot claim any parity with the Ministerial staff of the office of Director, Prosecution and Litigation, Punjab because the ministerial staff of the office of District Attorney and those of the Director, Prosecution and Litigation, Punjab, have a separate cadre, separate

seniority and are governed by separate set of Rules.

Without conceding to the claim of the representationists, keeping in view of the timings of the Court, the requirements of the office of the District Attorney's and to make a specific provisions regarding the timings for the ministerial staff of the offices of District Attorney's it has been decided by the Committee that in future, ministerial staff of the office of District Attorney's would work from 9.30 A.M. to 4.30 P.M. on all the working days. (including Saturdays)."

5. As a consequences of the aforesaid decision vide notification dated 17.4.2009, the working hours of the staff working in the office of District Attorney was reduced to 9.30 am to 4.30 pm, as against the working hours from 9.00 am to 5.00 pm in case of other employees where all the Saturdays were declared as closed days. For the reasons mentioned above, I do not find any merit in the present writ petition, accordingly, the same is dismissed.