
(2014) 04 P&H CK 0070
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 457 of 2012

Jagdish Chand

APPELLANT

Vs

The General Manager

RESPONDENT

Date of Decision : 02-04-2014

Acts Referred:

Citation : (2014) 142 FLR 1001 : (2014) 175 PLR 471

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : P.L. Verma, Advocate for the Appellant; Sunil Nehra, Sr. D.A.G, Advocate for the Respondent

Final Decision : Allowed

Judgement

Augustine George Masih, J.—Petitioner has approached this Court praying for issuance of a writ of mandamus directing the respondent to pay him the regular pay-scale of an Assistant Carpenter instead of Helper Carpenter which at present he is being granted. The assertion of the petitioner is that the petitioner was initially appointed as Helper Carpenter on 01.03.1979 with the respondent. Thereafter he was appointed as a Carpenter on daily wage basis in Central Body Building Workshop, Haryana Roadways, with effect from 15.02.1985 vide order dated 12.02.1985. He continued working on daily wages with effect from 01.03.1984 to 31.07.1985. When he made a demand for the salary as a Carpenter, his services were terminated on 31.07.1985. The petitioner raised an industrial dispute where he succeeded when the Labour Court passed an award dated 23.03.1995 (Annexure P-2) directing reinstatement of the petitioner with full back-wages from the date of demand notice i.e. 24.04.1989. Petitioner thereafter was taken back in service and is serving the respondent but is being paid the salary of a Helper Carpenter while he is performing the duty of Assistant Carpenter.

2. Reply to the writ petition has been filed wherein it has been stated that the petitioner had earlier worked as a daily wage helper upto 31.03.1984 on daily

wages thereafter as Assistant Carpenter on daily wages with effect from 01.04.1984 to 14.02.1985 and daily wages Carpenter from 15.02.1985 to 07.05.1985 as mentioned in Annexure R-1, he cannot be granted the regular pay-scale as he was engaged on daily wage basis. Petitioner is working as an Assistant Carpenter as of now on daily wage basis. Keeping in view the pleadings of the parties, the prayer as made by the petitioner in the present writ petition for the grant of regular pay-scale of an Assistant cannot be granted as he is working as a daily wage Assistant Carpenter. Keeping in view the submissions of the counsel for the parties and the stand of the respondent, the petitioner is held entitled to the daily wages as fixed under the Minimum Wages Act by the Deputy Commissioner as per the post held by him and for the period as mentioned in the written statement filed by the respondent and after reinstatement as Assistant Carpenter. The arrears, if any, be released to the petitioner within a period of two months from the date of receipt of certified copy of the order.

The writ petition stands disposed of with above directions.