
(1987) 11 P&H CK 0024
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1288 of 1987

Paras Ram and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 30-11-1987

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (1987) 11 P&H CK 0024

Hon'ble Judges : M.R. Agnihotri, J

Bench : Single Bench

Advocate : V. Ramswaroop, for the Appellant; P.S. Chauhan for A.G. (Hy.) and Mr. C.B. Goel, for the Respondent

Final Decision : Allowed

Judgement

M.R. Agnihotri, J.—The Petitioners are working as Octroi Moharrirs with the Municipal Committee, Nilo-kheri, district Karnal, Haryana, on daily wages. They have been working in this capacity, without any break in service, for the last many years, that is, Paras Ram, Petitioner No. 1, since 25th April, 1980, Surinder Kumar, Petitioner No. 2, since 2nd June, 1983, and Balbir Singh Petitioner, No 3, since 26th July, 1983. To start with, their daily wages were fixed at Rs. 13/- per day but later on, when their services were regularised, their salary was fixed at Rs. 500/- per month, instead of daily wages, which amount was later increased, with effect from 1st September, 1986, to Rs. 575/- per month. Their grievance is that when they have been serving for the last many years without any break, they should have been absorbed and regularised in the cadre of Octroi Moharrirs of the Municipal Committee, Nilokheri. and should have been released the running pay scale admissible to the other employees who are in the service of the Municipal Committee. Last year, when they raised their voice for pressing their demand basing it on the principle of "equal pay for equal work", their services were terminated with effect from 14th November. 1986. However, the orders of termination of their services were quashed by this Court and they were

reinstated in service. Even though thereafter another year has passed, yet they have not been granted the running pay scale as admissible to the other employees of the Municipal Committee who are similarly situated. In these circumstances, the Petitioners have approached this Court challenging the arbitrary and discriminatory treatment meted out to them by the Municipal Committee which according to the Petitioners, is violative of Articles 14 and 16 of the Constitution of India.

2. In reply to the writ petition, the only stand taken by the Respondents in their written statements is that the Petitioners are working on daily wages and have no right to any post. Since the Petitioners voluntarily offered their services and were given jobs on daily wages without any compulsion or pressure, they are not entitled, to any higher pay and, thus, the question of grant of any dearness allowance or other allowance to them does not arise.

3. The stand taken by the Respondents is wholly without any merit and there is no legal justification whatsoever for denying the relief prayed for the Petitioners. In an exactly similar situation, a Division Bench of this Court has only recently directed, in Civil Writ Petition No 5258 of 1987 (Daya Nand etc. v. State of Haryana etc. 1. C.W.P. No. 5258 of 1987.) on 29th October, 1987, the Municipal Committee, Samalkha, to give to the daily wages employees of that Municipal Committee the same salary and benefits as are being given to the employees who are doing similar type of job as regular employees and are discharging the same duties

4. The question as to whether the employees working on daily wages are entitled, in law, to be granted the same wages and same service benefits which are being enjoyed by the regular employees of same organisation, has already been decided in favour of the employees by the Supreme Court in *Dhirendra Chamoli and Anr. v. State of U.P.* (1986) I.S.C. 637, and *Surinder Singh and Anr. v. Engineer-in-Chief, C.P.W.D.* (1986) I.S.C. 639. Their Lordships of the Supreme Court were pleased to direct the employer to pay to the Petitioners in those cases and to other daily rated employees, the same salary and allowances as were being paid to the regular and permanent employees of the same organisation, with effect from the dates when they were respectively employed.

5. After hearing the learned Counsel for the parties, I find that the stand taken by the Respondents is wholly without any merit and the writ petition deserves to be allowed. Accordingly, the writ of mandamus is issued commanding the Respondents to grant to the Petitioners, with effect from 8th March 1987, the date of filing the writ petition, the scale of pay and other allowances which the regular employees of the Municipal Committee, Nilokheri, working as Octroi Moharrirs, are being paid. The Petitioners shall also be entitled to 12 per cent interest on the amount of arrears of their salary upto the date of payment, which payment shall be made within three months from today. The Petitioners are also awarded the costs of this writ petition which are quantified at Rs. 500/-.