

(1995) 11 P&H CK 0040
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 9766 of 1995

Ram Kumar and Others	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 08-11-1995

Acts Referred:

Citation : (1997) 3 LLJ 661

Hon'ble Judges : R.S. Mongia, J;K.K. Srivastava, J

Bench : Division Bench

Advocate : Vikram Singh, for the Appellant; Atul Mahajan, for the Respondent

Final Decision : Dismissed

Judgement

S. Mongia, J.—This order will dispose of this writ petition as well as C.W.P. No. 17870 of 1994.

2. The petitioners, who are working on daily wage basis, claim parity of the payment of emoluments with the regular employees of the respondents on the ground that they are discharging identical duties as the regular employees. Learned counsel for the respondents, however, has cited a recent judgment of the Apex Court in Ghaziabad Development Authority and others Vs. Sri Vikram Chaudhary and others, wherein it has been observed that so long as there are no regular posts available for appointment, the question of making pay on a par with the regular employees to the daily wage employees does not arise. Otherwise also, we are of the view that so far as the service conditions of daily wage employees are concerned they cannot be compared with the regular incumbents. A daily wage employee is not subject to disciplinary control of the employer inasmuch as he may come for work on a particular day or may not come and still the employer would have no right to take any disciplinary action against such an employee who may be absent for a day or for a longer period. He is not required to take any leave from the employer for a particular day on which he does not wish to come. Consequently, to compare a daily wage

employee with the regular employees for the purpose of payment of wages especially in view of the judgment referred to above, does not arise. Consequently, we do not find any merit in these writ petitions which are hereby dismissed.