
(2012) 07 JH CK 0031

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4890 of 2004

Samu Munda

APPELLANT

Vs

Central Coalfield Ltd., Ranchi, General Manager, Religora Colliery, Hazaribagh, Personnel Manager, Religora Colliery, Hazaribagh and Project Officer, Religora Colliery, Hazaribagh

RESPONDENT

Date of Decision : 30-07-2012

Acts Referred:

Citation : (2012) 07 JH CK 0031

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : M.M. Pal and Mrs. Mahua Palit, for the Appellant; A.K. Das and C. Mukherjee, for the Respondent

Final Decision : Dismissed

Judgement

Alok Singh

1. On 22.06.2012, this Court has passed following order:-

Mrs. M.M. Pal Sr. Advocate, assisted by Ms. Mahua Palit, Advocate, appearing for the petitioner states that in view of the dismissal of reference before the Labour Court, she is not pressing relief no. 1. However, she has vehemently argued that since petitioner has worked on the post of S.B.A., as revealed from Annexure- 1, letter dated 15.09.1991, Annexures- 2, 2A, 2B and 3, therefore, petitioner is entitled for the salary fixed for the employees similarly situated with the petitioner for the period the petitioner has actually worked on the post of S.B.A.

Learned counsel has placed reliance on the judgment of the learned single Judge of the Patna High Court in the case of Dr. Sachita Kumar Sinha Vs. The State of Bihar and Others , Kaushalendra Arya Vs. Union of India & Ors. reported in 1995 BBCJ 455, Smt. P. Grover Vs. State of Haryana and Another, as well as Secretary-cum-Chief Engineer, Chandigarh Vs. Hari Om Sharma and Others, .

Learned counsel for the respondents, Mr. A.K. Das, while placing reliance on the judgment of the Apex Court in the case of State of Haryana and Others Vs. Charanjit Singh and Others, etc. etc., as well as in the case of State of Punjab and Others Vs. Surinder Singh and Another, , has argued that since the petitioner was not regularly appointed and was temporary allowed to work as S.B.A., therefore, petitioner cannot seek parity with the regular employee working on the post of S.B.A.

After long discussion, both the counsel have fairly stated that whatever salary was fixed for the temporary employee at the relevant time for the post of S.B.A. petitioner would be entitled at least for the same and shall not be entitled for the salary fixed for regularly appointed employees on the post of S.B.A.

In view of this, learned counsel for the respondent seeks two days" time to find out and to place on record the salary being paid time to time at the relevant time to the temporary employees working on the post of S.B.A. so that accordingly, this Court may pass appropriate order.

List this case on 26.06.2012.

After the order dated 22.06.2012, Respondents have filed supplementary counter affidavit on 25.06.2012. Respondents, in paragraph no. 6 of the supplementary counter affidavit have specifically stated that as per the Company"s policy, the petitioner has already been paid his wages at the rate admissible to him and at par with the wages paid to other temporary and Piece Rated Employees who were discharging other time rated jobs. It has further been stated in paragraph no. 9 that the only duty which the petitioner was assigned to for operating the Switch without actually doing any manual hard work and for the same, he was paid the maximum wages admissible to a Piece Rated Worker in his category. It has further been stated in paragraph no. 10 that there is no other rate of wages fixed for Piece Rated Employees discharging duties of Switch Board Attendant on temporary basis. There is nothing on record to controvert the averments made in the supplementary counter affidavit.

2. Mrs. M.M. Pal, learned senior Advocate appearing for the petitioner states that wages for the regularly appointed Switch Board Attendant in the year 2000, 2002 and 2003 was Rs. 99.98 per day.

3. Learned counsel for the petitioner does not dispute this fact that petitioner was not regularly appointed Switch Board Attendant and he was working as Piece rated employee, however, asked to perform the duties of Switch Board Attendant on temporary basis. It is also not in dispute that petitioner was paid full wages as applicable to the Piece rated employee.

4. In the firm opinion of this Court, Piece rated employee, directed to perform duties of Switch Board Attendant on temporary basis for some period, cannot claim salary of regularly appointed Switch Board Attendant for the period he has temporarily worked as Switch Board Attendant. Consequently, petitioner is not

entitled for any relief sought. present petition is dismissed.