
(2010) 06 SHI CK 0167
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 6197 of 2008

Smt. Satya Prabha

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 29-06-2010

Acts Referred:

Citation : (2010) 06 SHI CK 0167

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Deepak Gupta, J.—By means of this writ petition, the Petitioner has prayed that the Respondents be directed to pay the wages of Store Clerk to her and to continue the applicant as Store Clerk.

2. The case of the Petitioner is that she was appointed in the office of Respondent No. 3 on daily-wage basis in May, 1994 and right from the very beginning was working as Store Clerk though she was being paid the wages of Store attendant up to 30th June, 1999. Further it was alleged that w.e.f. 1.7.1999 to 30.9.1999 she was paid the daily-wages @ Rs. 65/- per day which were wages to be paid to Store Clerks. Thereafter, the wages were arbitrarily reduced to Rs. 51/- per day.

3. The Respondents in the reply pleaded that the Petitioner was being paid the daily-wages of the category of employee against which she was engaged. According to the Respondents, right from the year 1994 the Petitioner was engaged as daily-waged beldar and continued uninterruptedly as such till September, 1998. Thereafter, she worked as Store attendant till June, 1999 when she was given the work of Assistant Store clerk and worked for three months as such and was given the daily-wages of Assistant Store Clerk. Thereafter, her designation was again changed and she has been shown as beldar from October, 1999 till the date of filing of the Original Application.

4. In rejoinder the Petitioner states that one other similarly situated employee Sh. Surjit Khewta who was junior to the Petitioner has been re-designated at a higher post. The Respondents have placed on record the mandays chart which shows that the applicant was working against different levels of posts at different times. According to the Respondents she was paid the daily-wages of the category of employees against which she was engaged and worked accordingly. They have denied that the Petitioner had worked as Store Clerk.

5. Other than a bare assertion being made, the Petitioner has not placed any material on record that she actually worked as Store Clerk except for a period of three months referred to above. When a person claims that he/she is performing higher duties than of the post to which he or she is engaged, it is for the said person to prima facie at least satisfy the Court that he was actually performing such duties. This has not been done.

6. As far as discrimination is concerned, this Court fails to understand how Sh. Surjit Khewta's case has any relevance to the present case. There is nothing on record to show what post he was holding. He has been re-engaged as motar-mate and not as Store Attendant. It is not clear when he was employed initially and against what post. It was for the Petitioner to have placed such material on record, which has not been done.

7. In view of the aforesaid discussion, there is no merit in this petition which is rejected. No order as to costs.