

No. 5/27/95-2GS1

From

The Chief Secretary to Government, Haryana.

To

1. All the Heads of Departments, Commissioners Ambala, Rohtak, Gurgaon and Hisar Divisions, all Deputy Commissioners and Sub-Divisional Officer, (Civil) in Haryana.
2. The Registrar, Punjab & Haryana High Court and all District & Session Judges in Haryana.

Dated Chandigarh, the March 18, 1997.

**Subject :—** S.L. Ps filed by the State of Haryana in the Hon'ble Supreme Court of India against the various judgements/orders of Hon'ble Punjab and Haryana High Court on the subject of equal pay for equal work.

Sir,

I am directed to refer to the Subject noted above and to say that some daily-wagers working in the Public Health Department had filed a number of writ petitions in the Punjab & Haryana High Court praying that they should be paid the same salary as is being paid to regularly employed person holding similar posts in the services of State of Haryana. This prayer was granted by the Hon'ble High Court which directed the State of Haryana to pay to the daily-wagers the same salary and allowances as are being paid to regular employees holding similar posts with effect from the dates they were employed on the posts held by them. Public Health Department filed SLPs in the Supreme Court of India against these orders passed by Hon'ble High Court in various writ petitions. Hon'ble Supreme Court of India in one of such Civil Appeal No. 14223 of 1996 etc. filed by Public Health Department, Haryana against orders of Punjab & Haryana High Court in C.W.P. No. 15920 of 1994—State of Haryana versus Jasmer Singh & others has allowed the appeal of the Government setting aside the judgements/orders of High Court. The relevant portion of the judgement is reproduced below :—

"The respondents, therefore, in the present appeals who are employed on daily wages cannot be treated as on par with persons in regular service of the State of Haryana holding similar posts. Daily-rated workers are not required to possess the qualifications prescribed for regular workers, nor do they have to fulfil the requirement relating to age at the time of recruitment. They are not selected in the manner in which regular employees are selected. In other words, the requirements for selection are not as rigorous. There are also other provisions relating to regular service such as the liability of a member of the service to be transferred and his being subject to the disciplinary jurisdiction of the authorities as prescribed, which the daily-rated workmen are not subjected to. They cannot, therefore, be equated with regular workmen for the purposes for their wages. Nor can they claim the minimum of the regular pay-scale of the regularly employed.

The High Court was, therefore, not right in directing that the respondents should be paid the same salary and allowances as are being paid to regular employees holding similar posts with effect from the dates when the respondents were employed. If a minimum wage is prescribed for such workers, the respondents would be entitled to it if it is more than what they are being paid."

I am to request you that the above decision of Hon'ble Supreme Court may please be brought to the notice of all the officers working under your kind control for information/strict compliance and

any such case(s) where any daily-wager pray to pay same salary as is being paid to regular employee, should be decided keeping in view the above decision of Hon'ble Supreme Court.

Yours faithfully,

Sd/-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to all Financial Commissioners and Secretaries/Commissioner & Secretaries to Government, Haryana.

Sd/-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioner and Secretaries to Govt. Haryana.