

Mr. Abhishek Gupta, AOR
Mr. Devendra Bhardwaj, Adv.
Ms. Shobha, Adv.

Mr. Rohit K. Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

The matter pertains to revision of honorarium of pre rates. The Single Bench directed to pay minimum wages. That direction has been set aside by the Division Bench of the High Court. The High Court on appeal has observed and in the operative portion of the judgment has made the following observations:

"This Court expects from the Government to take a decision for enhancement of honorarium in reference to the observation made by us, rather we fail to understand as to why these appeals have been preferred against the judgment of the learned Single Judge when specific direction does not exist to revise the honorarium at par with minimum wages of the skilled labours. The direction is only for consideration for revision of the honorarium/remuneration and to give basis reference of the minimum wages of the skilled labours has been made. We, however, agree with the submission of learned Addl. Advocate General, Mr. S.K. Gupta, that parity cannot be claimed when the two set of persons are not equal. Thus, the observation made by the learned Single Judge to revise the honorarium in reference to the minimum wages to the skilled labours are set aside, however, we direct the appellants to adequately revise the honorarium of the petitioner-non appellants. It is by taking appropriate yardstick and it can be on the same parameters which have been adopted for the other schemes. The enhancement of remuneration of others has been made so that they may not stagnate at the same remuneration.

We accordingly dispose of these appeals with the modification in the order passed by the learned Single Judge. These appeals are disposed of with the direction to the State to adequately enhance the

honorarium/remuneration of the petitioner-non-appellants and for that they will take into consideration the different orders/instructions issued for revision of the remuneration of those working under different schemes. The enhancement therein is on yearly basis. The substance of the direction aforesaid is that the petitioner-non-appellants should not stagnate on the same pay. The order passed subsequent to the judgment specifying the working hours would not be taken into consideration as has been stayed by the learned Single Judge in other writ petition. The exercise, as directed, would be carried out within a period of 3 months from the date of receipt of copy of this order. The decision for enhancement of the remuneration/honorarium would apply from the date of the judgment."

Certain observations have been made by the High Court with respect to the stagnation that there should be adequate revision of honorarium so as to prevent the stagnation on the same pay. There could not have been any peremptory direction issued to revise honorarium, the direction be treated as suggestion of the High Court as no such mandatory direction was called for in the facts of the case considering the nature of project. However, as the government is reconsidering entire scheme, let background of scheme be considered when new scheme is to be framed. Now as submitted by the learned Additional Solicitor General, the observations/suggestions made by the High Court shall be taken into consideration in accordance with law and appropriate decision shall be taken. The order of the High Court is accordingly modified.

The contempt proceedings stand dropped.

The special leave petitions stand disposed of.

Pending application, if any, stands disposed of.

(USHA RANI BHARDWAJ)
AR CUM PS

(SUMAN JAIN)
BRANCH OFFICER