

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CWP No. 16161 of 2010  
**Date of Decision: 30.03.2011**

Nagar Council, Sanitation Committees, Safar Karamchari Union,  
Phagwara.

...Petitioner

Versus

State of Punjab and others

..Respondents.

**CORAM: HON'BLE MR. JUSTICE RANJAN GOGOI, CHIEF JUSTICE  
HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present : Mr. R.S.Bains, Advocate, for the petitioner.

Ms. Madhu Dayal, Addl. A.G. Punjab  
for the respondents No.1 to 4.

Mr. Rahul Sharma, Advocate,  
for the respondent No.5.

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**RANJAN GOGOI, C.J.(Oral)**

This Public Interest Litigation has been filed raising a grievance that Safai Karamcharies in the different Nagar Councils in the State of Punjab are not being paid the full minimum wages due to them. The Safai Karamcharies are engaged by the Mohalla Sanitation Committees constituted under the Sanitation Scheme of Urban Local Bodies framed by the State of Punjab (Annexure P-1). The said scheme indicates that to meet the increased demands of Sanitation in

the towns, the Sanitation Mohalla Committees, which are elected bodies, are to be set up. The work of maintaining sanitation are to be given to the Safai Karamcharies who are to be engaged by the Mohalla Sanitation Committees. The Safai Karamcharies are entitled to remuneration at the rate of monthly minimum wages. Under the scheme, 80% of the monthly minimum wages fixed under the Minimum Wages Act are to be given to the Safai Karamcharies by the Executive Officers on behalf of the Local Bodies and the remaining 20% by the Mohalla Sanitation Committees from voluntary collections made from the residents.

Ms. Dayal, learned Addl. Advocate General, Punjab has submitted that 80% of the funds required to be tendered to the Mohalla Committees by the Executive Officers have been sanctioned by the State Government and the said funds are being released on regular basis. It is only 20% of the funds that are required to be disbursed by the Mohalla Sanitation Committees from its own funds which have not been forthcoming resulting into non-payment of the full dues of the Safai Karamcharies. Learned counsel has also pointed out that the Mohalla Sanitation Committees are very many in number and, possibly, because of the said reason they are not impleaded as party-respondents to the petition.

Keeping in view the nature of the duties performed by the Mohalla Sanitation Committees and the fact that 80% of the funds for payment of wages to the Safai Karamcharies are coming from the State Government, we are of the view that in the exercise of the power of judicial review in the domain of public law it would be appropriate

to ensure the release of the minimum wages to the Safai Karamcharies. We, therefore, direct the State of Punjab to take necessary steps to ensure that each Mohalla Committee in all the Nagar Councils makes its contribution from the voluntary funds collected by it to the extent of 20% of the wages due to the Safai Karamcharies so that such employees engaged by the Sanitation Mohalla Committees receive payment of their due minimum wages under the Act. The State of Punjab is directed to take prompt steps in the matter to ensure that the legitimate dues of the Safai Karamcharies are received by them. It is further directed that the amount paid to the Safai Karamcharies shall be in the form of Account Payee Cheques. The present order will be made operative by the State Government from the date of filing of the writ petition. However, it is made clear that the present directions will not be construed to mean that the Safai Karamcharies are, in any manner, engaged in employment under the State.

PIL shall stand disposed of in the above terms.

(RANJAN GOGOI)  
CHIEF JUSTICE

(KANWALJIT SINGH AHLUWALIA)  
JUDGE

**30.03.2011**  
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