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HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****WPS No. 2933 of 2020**Dilip Dwivedi & Anr. **Versus** State Of Chhattisgarh & Ors.

04.08.2020	Mr. Vikas Dubey, Advocate for the Petitioners. Ms. Richa Shukla, Dy. Govt. Advocate for the State. Heard. Learned counsel for the petitioners would submit that the petitioners are guest lecturers who were engaged in various colleges to teach. Because of imposition of lock down, all of a sudden physical classes stopped. Consequently, the petitioners subsequently after some time started giving lecture through on line video. It is further submitted that condition of service of the petitioners are that they cannot be engaged anywhere else and on that ground the services were engaged. It is stated they were teaching in the colleges and after lock down guidelines have been issued by the Ministry of Labour & Employment as also by the State and UGC. It is stated as per guideline/direction issued, the salary to the employee to be provided who were not allowed to go to their job. It is stated the petitioners too could not go to their colleges for the lock down and not of their own. It is further contended that from March, 2020 the petitioners have not been paid the honorarium. Learned State counsel prays for time to file reply and would submit that the honorarium are paid according to the classes which are being taken by the respective teachers and not automatic. Heard learned counsel for the parties. Obvious it is that the petitioners voluntarily have not stopped the physical classes. It is because of the pandemic situation and the lock down which prevailed, physical classes were not conducted. The petitioners whether subsequently they had taken up on line classes in lock down would be a secondary issue at this stage. At present taking into fact



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that the petitioners themselves have not voluntarily stopped classes of their own and because of the pandemic situation they were restricted so they cannot be faulted on the ground that honorarium would be payable in for depending on classes held. The classes could not be held for extraordinary situations of pandemic. Therefore non payment of honorarium would be against the various guideline issued by Ministry of Labour. The State is a welfare State. The deprivation of the honorarium to the petitioners specially when averments have been made that other similarly placed guest lecturers are being paid the honorarium cannot be side lined. It goes without saying that if payment to the teachers are not being paid, then it will lead to starvation of petitioners and their family too. The right to life for this extraordinary situation cannot be ignored.

Under the circumstances, since the documents shows that the petitioners have been directed to take on line classes as of now, respondent/State is directed to release 50% of the unpaid honorarium to the petitioners within a period of 15 days from the date of receipt of copy of this order.

List this case along with WPS No.2236 of 2020.

Sd/-
(Goutam Bhaduri)
JUDGE

Aks