

**Hon'ble Rajiv Sharma, J.**

Mr. D.S.Patni, Advocate for the petitioners.

Mr. B.S.Parihar, Standing Counsel, for the State.

The petitioners are working in various capacities i.e. barbers, washermen, cooks and peons in the respondent department. Petitioners have made several representations for improving their conditions of service. The petitioners are supposed to work on second Saturdays, Sundays as well as on gazetted holidays. Petitioners are not given any leave and one month's additional salary in lieu of their working on second Saturdays, Sundays as well as gazetted holidays.

The Ministerial staffs are granted one month's additional salary in lieu of working on second Saturdays, Sundays as well as on gazetted holidays. Respondents-State is a welfare State. The action of the respondents not giving them leave in lieu and additional one month's salary for their working on second Saturdays, Sundays as well as on gazetted holidays amounts to *begaar* which is strictly prohibited in the constitution.

The conditions of services of the petitioners in the welfare State should be humane. It also amounts unfair labour practice. Purported grounds to deny the petitioners the benefits of one month's additional pay in lieu of working on second Saturdays, Sundays as well as on gazetted holidays is that their cadre is a dying cadre. The dying cadre does not come to an end abruptly. The dying cadre continues till the last incumbent retires.

Accordingly, the writ petition is allowed. Respondents are directed to pay

the petitioners one month's additional salary in lieu of their working on second Saturdays, Sundays as well as on gazetted holidays w.e.f. 30.06.2018 or in alternative the respondents are restrained from taking work from the petitioners on second Saturdays, Sundays as well as on gazetted holidays.

**(Rajiv Sharma, J.)**

08.03.2018  
Jitendra