
(2019) 04 RAJ CK 0022
In the Rajasthan High Court
Case No : Civil Writ No. 4031 Of 2019

Chena Ram And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 05-04-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 04 RAJ CK 0022

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Pawan Singh Rathore

Final Decision : Disposed Off

Judgement

The petitioners have preferred this writ petition under Article 226 of the Constitution of India, claiming the following reliefs:-

"A. By an appropriate writ order or direction, the respondents may kindly be directed to pay salary to the petitioners in minimum regular pay scale which is being paid to the regular employees of the respondents of holding the equivalent post of Pump Drivers/Operators from the date of their initial appointment with all consequential benefits.

B. By an appropriate writ, order or direction, the respondents may kindly be directed to pay monthly salary of the petitioners through cheques/online payment/RTGS/online banking system and restrained to make cash payment to the petitioners.

C. By an appropriate writ, order or direction, the respondents may kindly be directed to following the principle of equal pay for equal work, and the mandate of law as interpreted in the case of State of Punjab & Ors. V/s. Jagjit Singh & Ors. (supra), the petitioners shall be entitled to grant of minimum regular pay scale and the salary of the petitioners shall be fixed in the regular minimum pay scale from the date of their initial appointments.

D. Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioners.

E. Writ petition filed by the petitioners may kindly be allowed with costs."

Learned counsel for the petitioners prayed that their representations may be considered by the respondents in light of the judgment passed by the Hon'ble Apex Court in the matter of State of Punjab & Ors. Vs. Jagjit Singh & Ors. reported in [(2017) 1 Supreme Court Cases 148. The relevant portion of the judgment reads as under:

"60. Having traversed the legal parameters with reference to the application of the principle of 'equal pay for equal work', in relation to temporary employees (daily-wage employees, ad-hoc appointees, employees appointed on casual basis, contractual employees and the like), the sole factor that requires our determination is, whether the concerned employees (before this Court), were rendering similar duties and responsibilities, as were being discharged by regular employees, holding the same/corresponding posts. This exercise would require the application of the parameters of the principle of 'equal pay for equal work' Page 101 101 summarized by us in paragraph 42 above. However, insofar as the instant aspect of the matter is concerned, it is not difficult for us to record the factual position. We say so, because it was fairly acknowledged by the learned counsel representing the State of Punjab, that all the temporary employees in the present bunch of appeals, were appointed against posts which were also available in the regular cadre/establishment. It was also accepted, that during the course of their employment, the concerned temporary employees were being randomly deputed to discharge duties and responsibilities, which at some point in time, were assigned to regular employees. Likewise, regular employees holding substantive posts, were also posted to discharge the same work, which was assigned to temporary employees, from time to time. There is, therefore, no room for any doubt, that the duties and responsibilities discharged by the temporary employees in the present set of appeals, were the same as were being discharged by regular employees. It is not the case of the appellants, that the respondent-employees did not possess the qualifications prescribed for appointment on regular basis. Furthermore, it is not the case of the State, that any of the temporary employees would not be entitled to pay parity, on any of the principles summarized by us in paragraph 42 hereinabove. There can be no doubt, that the principle of 'equal pay for equal work' would be applicable to all the concerned temporary employees, so as to vest in them the right to claim wages, at par with the minimum of the pay-scale of regularly engaged Government employees, holding the same post.

61. In view of the position expressed by us in the foregoing paragraph, we have no hesitation in holding, that all the concerned temporary employees, in the present bunch of cases, would be entitled to draw wages at the minimum of the payscale (- at the lowest grade, in the regular payscale), extended to regular

employees, holding the same post."

Consequently, the present writ petition is disposed of with direction to the respondents to consider the representation of the petitioners in terms of aforesaid law as extracted hereinabove. The needful be done within a period of 60 days from today.