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**(1995) 09 AHC CK 0151**  
**In the Allahabad High Court**  
**Case No : C.M.W.P. No, 38133 of 1992**

Serves Kumar Sharma and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 04-09-1995

**Acts Referred:**

Constitution of India, 1950 — Article 39

**Citation :** (1995) 09 AHC CK 0151

**Hon'ble Judges :** Paritosh K. Mukherjee, J

**Bench :** Single Bench

**Advocate :** B.P. Srivastava, for the Appellant;

**Final Decision :** Allowed

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## Judgement

Paritosh K. Mukherjee, J.—Both the writ petition and the application filed on 11.5.1995 are taken up together for final hearing. Originally, the writ petition was filed on behalf of the Petitioners on 15.10.1992, inter alias, praying for issuance of a direction to the Respondents to pay salary to the Petitioners in the pay scale of Rs. 950-1500 per month as being paid to the similarly situated tube-well operators as the present Petitioners are being performed all over tube-well operate Orts.

2. In the connected application filed on 17.5.1995, the Petitioners have annexed unreported decision delivered by Hon'ble Brijesh Kumar, J., in which the similar judgment of the Supreme Court was referred to - They are as follows:

Randhir Singh Vs. Union of India (UOI) and Others, , where in it has been laid down by the Supreme Court for the first time that the State Government cannot make any differentiation in pay on the principle of "equal pay for equal work". The State Government cannot make any differentiations as enshrined in Article 39 of the Constitution of India.

3. The said judgment has been consistently followed by the subsequent judgment reported in Surinder Singh and Another Vs. Engineer-in-chief, C.P.W.D.

and Others, and Union of India (UOI) and Another Vs. R.G. Kashikar and Another, .

4. At the final hearing of the writ petition, Mr. B.P. Srivastava, learned Counsel for the Petitioners submitted that these Petitioners are entitled to have the benefit of the said reported judgment referred to hereinabove by Hon"ble Brijesh Kumar, J. following the said Judgments.

5. After hearing the learned Counsel for the Petitioners, I allow the writ petition and direct the Respondents to grant conferred benefits to the Petitioners who are three in number and pay similar pay scale of Rs. 950-1500 as the same is being paid to the similarly situated tube-well operators rendering the same nature of services like the Petitioners.

Such conferment will be made within a period of 2 months from its communication.

6. The writ petition is allowed with the directions as indicated above. There shall be no order as to costs.

In case the Respondents are not in a position to pay the same pay scale, they Shall give reasons in support of their version so that the Petitioners may make Their grievance at the subsequent stage.