
(2019) 02 RAJ CK 0103
In the Rajasthan High Court
Case No : Civil Writ No. 2013 Of 2019

Tajaram

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 14-02-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 02 RAJ CK 0103

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Ankit Choudhary

Judgement

The petitioner has 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 writ petition filed by the petitioners may kindly be allowed.

b) by an appropriate writ order or direction, the impugned action on the part of the respondent authorities in denying minimum wages to the petitioner as per the provisions of the Act of 1948 as has been allowed to the similarly situated other workmen who approached the Hon'ble Court may kindly be declared illegal and accordingly, the respondent authorities may kindly be directed to comply with the directions issued by this Hon'ble Court in the case of Prem Singh (supra) in its true letter and spirit and accordingly, allow similar treatment i.e. benefit of minimum wages as per the provisions of the Act of 1948 to the petitioner as well w.e.f. 01.02.2013 forthwith.

c) by an appropriate writ, order or direction, the respondent authorities may also kindly be directed to grant all other consequential benefits including arrears of honorarium etc. to the petitioner alongwith interest @ 18% per annum in accordance with law forthwith.

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

e) Cost of writ petition may also please be awarded in favour of the petitioners."

Learned counsel for the petitioner prayed that their representation may be considered by the respondents in light of the judgment in State of Punjab & Ors. Vs. Jagjit Singh & Ors. reported in (2017) 1 SCC 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 writ petition is disposed of with direction to the respondents to consider the representation of the petitioners in terms of judgment in the case of Jagjit Singh (supra). The needful be done within a period of 60 days from today.