

(1992) 01 AHC CK 0086
In the Allahabad High Court
Case No : C.M.W.P. 12465 of 1990

Vipin Chandra and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 27-01-1992

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (1992) 1 AWC 431 : (1994) 3 LLJ 671

Hon'ble Judges : V. Bahuguna, J

Bench : Single Bench

Advocate : Ravi Kant, for the Appellant;

Final Decision : Allowed

Judgement

V. Bahuguna, J.—The petitioners are working as Class III employees in the office of the Chief Standing Counsel and the Government Advocate, in the High Court at Allahabad and Lucknow. The petitioners have been continuously working since the year 1988-89. The grievance is that they are being paid daily wages at the rate of Rs. 20/- per day whereas the salary payable to regular Class III employees is in the scale of Rs. 950-1500/-. It is not disputed that the petitioners have been continuously working on daily wages since the year 1988 and that there is no difference in the nature of duties performed by the petitioners and the regular Class III employees.

2. In the counter affidavit filed on behalf of the State it has been contended that the petitioners were appointed on daily wages in spite of the Government order and as such they are not entitled to be regularised in service and paid the wages of regular employees. The Advocate General by his letter dated 24th July, 1990, addressed to the Law Secretary, State of U.P., recommended the case of the petitioners for regularisation and uniformity in wages with that of the regular employees. In the said letter which is Annexure-2 to the supplementary rejoinder- affidavit, it has been stated that they are performing duties on a permanent nature of work and that the Government should pass necessary

orders. The petitioners cannot be deprived of their right to parity in wages with regular employees only on the ground that the office of the Chief Standing Counsel and Government Advocate have employed the petitioners in spite of the ban imposed by the Government by its order in the year 1986. The case of the petitioners is squarely covered by a numerous decisions of the Supreme Court with regard to parity of wages of employees performing the same nature of work. The doctrine of equal work to equal pay is now guiding spirit of Article 14 of the Constitution which must be adhered to by the Government and its instrumentalities. There is no justification to deny the petitioners equal pay to what has been given to the regular employees. However, the petitioners are entitled to parity in wages with effect from 1st January, 1992. As the petitioners have been continuously working on a permanent nature of post, their services should also be regularised.

3. With these directions the writ petition succeeds and is allowed. There will be no order as to costs.