

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

S.B. Civil Writ Petition No. 2176 / 2018

Nawal Kishore Nagar S/o Shri Amar Lal Nagar, Aged About 47
Years, R/o Village Gigcha, Post Badipura, Tehsil Kishanganj,
District Baran

-----Petitioner

Versus

1. The State of Rajasthan Through Secretary Tribal Area
Development Department, Govt. of Rajasthan, Secretariat, Jaipur.

2. The Director, Sanitation Water and Community Health Project,
Udaipur (Raj.)

3. The Commissioner, Tribal Area Development Department and
President Sanitation Water and Community Health Project,
Udaipur (Raj.)

4. The Project Manager, Sanitation Water and Community Health
Project, Badi Road, Hawala Khurd, Udaipur (Raj.)

5. Project Officer, Sanitation Water and Community Health Project,
Shahbad District Baran (Raj.)

-----Respondents

For Petitioner(s) : Mr. Rakesh Kumar Saini

For Respondent(s) :

HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA

Order

01/02/2018

Learned counsel for the petitioner, at the very outset,
submits that the controversy raised in the instant writ application
is no more *res-integra* in view of the law declared by the Apex
Court of the land in the case of State of Punjab & Ors. Versus
Jagjit Singh & Ors.: (2017) 1 SCC 148.

It is further contended that a Coordinate Bench of this Court

relying upon the opinion of the Supreme Court in the case of Jagjit Singh & Ors. (supra), made an order on 15th May, 2017, in the case of Budh Singh Versus Urban Improvement Trust, Alwar: S.B. Civil Writ Petition No.1882/2016, observing thus:

"The Supreme Court in the case of State of Punjab & Ors. vs. Jagjit Singh & Ors. (supra), has held 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 pay-scale (- at the lowest grade, in the regular pay-scale), extended to regular employees, holding the same post."

The learned counsel for the respondent could not distinguish the judgment rendered by the Supreme Court in the case of State of Punjab & Ors. vs. Jagjit Singh & Ors. (supra).

Consequently, following the principle of equal pay for equal work, and the mandate of law as interpreted in the case of State of Punjab & Ors. vs. Jagjit Singh & Ors. (supra), as prayed, the present petition is allowed to the limited extent by holding that the petitioner shall be entitled to grant of minimum regular pay scale and the salary of petitioner shall be fixed in the regular

minimum pay scale from the date of his initial appointment. However, arrears to be paid to the petitioner shall be restricted to thirty-eight months before filing of the writ petition. The respondent shall however, calculate the regular pay scale of the petitioner by extending revision of pay scale as was admissible to other employees from time to time.”

It is further urged that instant writ application may also be disposed of in terms of the order made in the case of Budh Singh (supra).

In view of the statement; instant writ application stands disposed off in terms of the order in the case of Budh Singh (supra), as extracted herein above.

(VEERENDR SINGH SIRADHANA)J.

SS/129



सत्यमेव जयते