

Court No. - 5

Case :- WRIT - A No. - 10215 of 2024

Petitioner :- Suresh

Respondent :- State of U.P. and others

Counsel for Petitioner :- Ramendra Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir,J.

(Order on the memo of Writ Petition)

The petitioner is a Class IV employee working in the establishment of the Prabhagiya Vanadhikari, Pilibhit Tiger Reserve, Pilibhit. The grievance of the petitioner is that he is being paid total emoluments in the sum of ₹201 per day. The submission is that he is entitled to be paid the minimum pay-scale at the rate of ₹18,000 per month in accordance with the Seventh Pay Commission. He has represented his case a number of times, but to no avail. Learned Counsel for the petitioner has placed reliance upon the decision of the Supreme Court in **Sabha Shanker Dube v. Divisional Forest Officer and another, (2019) 12 SCC 297**. In **Sabha Shanker Dube (supra)** it was held :

11. The issue that was considered by this Court in Jagjit Singh [State of Punjab v. Jagjit Singh, (2017) 1 SCC 148 : (2017) 1 SCC (L&S) 1] is whether temporary employees (daily-wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and likewise) are entitled to the minimum of the regular pay scales on account of their performing the same duties which are discharged by those engaged on regular basis against the sanctioned posts. After considering several judgments including the judgments of this Court in Tilak Raj [State of Haryana v. Tilak Raj, (2003) 6 SCC 123 : 2003 SCC (L&S) 828] and Surjit Singh [State of Punjab v. Surjit Singh, (2009) 9 SCC 514 : (2009) 2 SCC (L&S) 696] , this Court held that temporary employees are entitled to draw wages at the minimum of the pay scales which are applicable to the regular employees holding the same post.

12 [Ed.: Para 12 corrected vide Official Corrigendum No. F.3/Ed.B.J./111/2018 dated 4-7-2019.] . In view of the judgment in Jagjit Singh [State of Punjab v. Jagjit Singh, (2017) 1 SCC 148 : (2017) 1 SCC (L&S) 1] , we are unable to uphold the view of the High Court that the appellants herein are not entitled to be paid the minimum of the pay scales. We are not called upon to adjudicate on the rights of the appellants relating to the regularisation of their services. We are concerned only with the principle laid down by this

Court initially in Putti Lal [State of U.P. v. Putti Lal, (2006) 9 SCC 337 : 2006 SCC (L&S) 1819] relating to persons who are similarly situated to the appellants and later affirmed in Jagjit Singh [State of Punjab v. Jagjit Singh, (2017) 1 SCC 148 : (2017) 1 SCC (L&S) 1] that temporary employees are entitled to minimum of the pay scales as long as they continue in service.

13.

14. For the aforementioned reasons, we allow these appeals and set aside the judgments of the High Court holding that the appellants are entitled to be paid the minimum of the pay scales applicable to regular employees working on the same posts. The State of Uttar Pradesh is directed to make payment of the minimum of pay scales to the appellants with effect from 1-12-2018.

Notice on behalf of all the respondents is accepted by learned Standing Counsel. He is granted three weeks' time to file a counter affidavit.

Adjourned to **08.08.2024**.

To be taken up in the additional cause list for **admission**, along with a report regarding status of pleadings.

(Order on Civil Misc. Stay Application No. 1 of 2024)

Issue notice.

An interim *mandamus* is issued to the Principal Chief Conservator of Forest, Rana Pratap Marg, U.P., Lucknow and the Prahagiya Vanadhihari, Pilibhit Tiger Reserve, Pilibhit to ensure between themselves payment of minimum pay-scale to the petitioner in accordance with the Seventh Pay Commission, that is to say, ₹18,000 per month or show cause, by their own affidavits to be separately filed, why this interim *mandamus* be not made **absolute**.

The Registrar (Compliance) is directed to communicate this order to the Principal Chief Conservator of Forest, Rana Pratap Marg, U.P., Lucknow and the Prahagiya Vanadhihari, Pilibhit Tiger Reserve, Pilibhit **within 48 hours next**.

Order Date :- 18.7.2024

I. Batabyal