

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4320 OF 2006  
(Arising out of SLP(C) No.11838 of 2003)

STATE OF HARYANA & ORS.

.....APPELLANT(S)

VERSUS

SAT NARAIN

.....RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

Even though the service was completed,  
the respondent was absent on 28.08.2006 and again on  
22.09.2006. The matter was directed to be listed on  
28.09.2006 for final hearing. Today also, there is no  
representation on behalf of the respondent.

We heard the arguments of learned counsel appearing

on behalf of State of Haryana.

Our attention was drawn to the order impugned in this appeal. The Division Bench of the High Court following the full Bench Judgment of the said court

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rendered in the case of Vijay Kumar & Ors. vs. State of

Punjab & Ors., 2002 (1) S.L.R. 694, disposed of the Civil

Writ Petition with the direction to the respondents

therein to treat the Writ Petition as a representation on

behalf of the petitioner and pass speaking order in

accordance with law keeping in mind the Full Bench

Judgment of the said court rendered in the case of Vijay

Kumar & Ors.(supra).

At the time of hearing, our attention was also drawn

to the Judgment of this Court in State of Haryana &

Ors.Vs.Charanjit Singh & Ors. etc. etc. reported in (2005)

8 Scale 482. The said appeals were filed by the State of

Haryana and Ors. questioning the correctness of the order

of the High Court in other similar matters. This Court

after hearing the respective parties issued a direction to

the High Court in para 17 of the said Judgment. In the

concluding portion, this Court in para 22 also made the

following observations :-

"Thus it is clear that persons employed on contract cannot claim equal pay on basis of equal pay for equal work. Faced with this situation, it was submitted that all these persons were in fact claiming that their respective appointments

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were regular appointments by the regular process of appointment but that instead of giving regular appointments they were appointed on contract with the intention of not paying them regular salary. It was admitted that the Petitions may be badly drafted and such a contention not put forth specifically. The High Court has disposed of these petitions also on the footing that the principle of equal pay for equal work applied. We therefore set aside the impugned orders in these cases also and remit the matters back to the High Court for disposal. The High Court shall permit these Petitioners to amend their Petitions to make necessary averments and will also permit the Respondents in these cases to file replies to the amended Petitions."

In view of the above Judgment, we remit the present appeal back to the High Court to dispose of the same in accordance with the observations and directions issued by this Court in State of Haryana & Ors. vs.Charanjit Singh & Ors. etc. etc. reported in (2005) 8 Scale 482. The appeal stands disposed of accordingly. There shall be no order as to costs.

.....J.  
( Dr.AR.LAKSHMANAN )

.....J.

( A.K.MATHUR )

NEW DELHI;

SEPTEMBER 28, 2006.

ITEM NO.2

COURT NO.9

SECTION IVB

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11838/2003

(From the judgement and order dated 22/05/2002 in CWP No. 7994/2002 of The HIGH COURT OF  
PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA & ORS.

Petitioner(s)

VERSUS

SAT NARAIN

Respondent(s)

(With appln(s) for c/delay in filing SLP and with prayer for interim relief and office report)  
(For final disposal)

Date: 28/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner(s)

Mr.Ajay Siwach, Adv.

Mr.Pardeep Dahiya, Adv.

Mr.T.V.George,Adv.

For Respondent(s)

Mr. Rameshwar Prasad Goyal,Adv.(NP)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed order.

There shall be no order as to costs.

( Satish K. Yadav )

Court Master

( Phoolan Wati Arora )

Court Master

( Signed order is placed on the file )