



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C) 485/2022

1:Bina Devi
Wife of Shri Kanta Hazarika,
R/o Bam Parvatia, Near DRC Office Parvati Nagar, Tezpur, Dist. Sonitpur, Assam,
PIN 784001

VERSUS

1:THE STATE OF AP and 3 Ors.
Represented by the Commissioner and Secretary, General Administration Department,
Govt. of Arunachal Pradesh, Itanagar, PIN 791111

2:The Secretary
Department of Food and Civil Supply
Govt. of Arunachal Pradesh
Itanagar
Arunachal Pradesh
PIN 791111

3:The Director
Department of Food and Civil Supply
Govt. of Arunachal Pradesh
Itanagar Capital Complex
Naharlagun
Arunachal Pradesh
PIN 791110

4:The District Food and Civil Supply Officer
Lower Subansiri District
Ziro
Arunachal Pradesh
PIN 79112

Advocate for the Petitioner : M K Neog

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN**

JUDGMENT

Date : 16-06-2023

In this petition, under article 226 of the Constitution of India, the petitioner, Smti Bina Devi seeking following reliefs:-

- A. for issuing direction to the respondent authorities, more particularly the respondent Nos. 1 and 2 to regularize her in a regular vacancy of LDC, under the establishment of respondent authorities, or
- B. to direct the respondent authorities to enhance her salary with the minimum regular pay scale of LDC, along with dearness allowance as revised from time to time.

2. The background facts leading to filing of the present petition is adumbrated herein below :-

“In the year 1990, the petitioner was appointed as a skill contingent paid staff by the then District Food & Civil Supply Officer, (DFCS), Lower Subansiri, Dist - Ziro, Arunachal Pradesh against the vacant post under his establishment @ Rs.750/- only [fixed] per month, vide memo No. SUP-18/90 dated 10th October, 1990. Since the date of her appointment, she was entrusted the duty of LDC in the office of the respondent No. 4, i.e., the District Food and Civil Supply Officer, Lower Subansiri, District - Ziro, Arunachal Pradesh and since then she has been serving in the department for 32 years without any break. The respondent authorities, since then, neither given the benefit of minimum scale of pay and allowance to the petitioner nor her service has been regularized till date. Thereafter, on 02.11.2001, she has filed one representation to the respondent authorities for being appointed her in regular LDC post. But, the same failed to yield any result. Then being aggrieved, the petitioner approached this court by filing a WP(C) No. 277(AP)/2002, for regularization of her service. The said writ

petition was disposed of by this court with a direction to the Director of Civil Supplies, Arunachal Pradesh, Naharlagun to consider her case in the light of discussion of the case and existing circulars as expeditiously as possible within a period of 3 months from the date of receipt of the copy of the order. The respondent authorities thereafter, challenged the order of the learned Single Judge by filing a writ appeal before this court, being W.A. No. 06(AP)/2007. In the said appeal a Division Bench of this court has interfered with the judgment and order dated 31.05.2005, passed by the learned Single Judge in the WP(C) No. 277(AP)/2002. However, it was clarified that the disposal of the writ appeal shall not be a bar to the concerned authorities to consider and regularise service of the petitioner in the post of LDC, in accordance with the relevant rule. Thereafter, vide Memo No. DFCS/ESTT/ECM-369/08 dated 13.11.2014, the petitioner was transferred from DFCS Office, Ziro to the office of the Deputy Resident Commissioner [DRC], Tezpur. And since then she has been discharging her duty in the office of the DRC, Government of Arunachal Pradesh, Tezpur and there also she has been discharging her duty, which an LDC used to discharge, diligently and sincerely and in view of the period of service rendered by her she is entitled to regularization of her service. Thereafter, she has preferred one representation on 03.11.2022, through proper channel addressing the Secretary, General Administration Department, Government of Arunachal Pradesh for redressing her grievances and the same is still pending before the concerned authorities. And thus the conduct of the respondent authorities is violative of Article 14, 16 and 21 of the Constitution of India. Therefore, she approached this court again by filing the present writ petition seeking the reliefs mentioned hereinabove.

3. The respondent authorities have filed their affidavit-in-opposition denying the averments made in the petition. It is stated that as per Recruitment Rule of LDC, LDC cum Computer Operator, Date Entry Operator of 2019, 15% post shall be filled up from amongst skill contingency staff with minimum 12 [twelve] years of continuous service as skilled contingency in the department/office and possess educational qualification of Class XII pass, and the selection has to be done on the basis of merit adjudged through Limited Departmental Competitive Examination (LDCE), and at present, there is no vacant post of LDC against 15% quota of skilled contingency staff. It is also stated that the petitioner is not the senior most employee in the seniority list **[Annexure-2]** and her name is at serial No. 7

and that if any vacancy arises, she will be called to appear in the LDCE, to be conducted by the Staff Selection Board, for regularization. It is also stated that regularization of service has to be done by observing all codal formalities envisaged in the Recruitment Rule and that there is no merit in the petition filed by the petitioner and therefore, it is contended to dismiss it.

4. The petitioner, thereafter, filed affidavit-in-reply denying the averments made in the affidavit-in-opposition filed by the respondent authorities. It is stated that she was appointed on 12.10.1990, as skilled contingent employee and for the last 32 years she has been discharging her service as LDC and though she has rendered service for more than 32 years in the same category without upgraded pay and allowances and till date neither she has been called for any departmental examination for regularization of her service by the respondent authorities nor she has been given any regular approved minimum pay scale for service rendered by her for 32 years.

5. The respondent authorities have filed additional affidavit as per order of this Court dated 03.05.2023 and 24.05.2023, and it is stated that at present no vacant post of LDC is available in the department and even if it arises, the same has to be filled up through the Arunachal Pradesh Staff Selection Board as per the Prevailing Recruitment Rule and that the qualities and quantities of the work performed by regular LDC and contingent staff are different and the regular LDC are assigned with a particular branch or branches to handle the file and connected works therein, whereas services of contingency staff are utilized for typing, receipt, dispatch etc., in assistance to the regular LDCs, MTS and UDC and they are engaged for any residue works that may arise in any sections of the department as per the demand of job in the office, but there is no regular post for contingency staff in the department.

6. Mr. M.K. Neog, learned counsel for the petitioner submits that the petitioner approached this court on two counts, *firstly*, for regularization of her service as LDC and *secondly*, to grant her equal pay with LDC as she has been discharging the same work like regular LDC. Mr. Neog further submits that the petitioner was appointed as skilled contingent paid staff, vide order dated 10th October, 1990 [Annexure-A] and since then she has been discharging her function diligently and sincerely for last 32 years. Referring to **Annexure- B¹, B² and B³** of the writ petition, Mr. Neog submits that the petitioner was appointed as LDC for a short time vacancy of 60 days in the Civil Supply Wing under the District Supply Officer, Ziro and the said

engagement was extended by 30 more days, vide **Annexure-B²** and vide **Annexure-B³** and she was allowed to officiate as LDC from 09.04.2001 to 12.06.2001, against the vacancy of LDC vice Shri K.R. Soman, in the usual pay scale. Referring to another order dated 29th May, 2012 issued by the District Supply Officer, Lower Subansiri District, Mr. Neog submits that the petitioner was allotted to discharge the work of issue renewal of BPL/AAY/ANNP Ration Card and correspondence and typing work. Mr. Neog also submits that thereafter, the petitioner has been transferred to office of the DRC, Tezpur and since then she has been serving there and discharging her function as LDC and there she has been issuing Inner Line Permit to the applicants. Mr. Neog further submits that the Recruitment Rule was framed in the year 2019 and as per Rule only 12 years of experience is required, whereas the petitioner has 32 years of long experience and the petitioner has approached this court by filing one writ petition and the same was disposed with the direction to the respondent authorities to consider her prayer and thereafter, the State has preferred one writ appeal, wherein the order of learned Single Judge was interfered with. But, it was clarified that the disposal of the writ petition would not stand in the way of appointing the petitioner by the respondent authorities in regularization of her service against any vacant post. Mr. Neog has also referred to one case law in **State of Punjab and Others Vs. Jagjit Singh and Others** reported in **2017 [1] GLT [SC] 47**, to contend that at least the petitioner is entitled to minimum scale of pay of the LDC on the principle of '*equal pay for equal work*,' if regularization is not possible at this stage. Under the aforesaid circumstances, Mr. Neog contended to allow the petition.

7. Per-contra Mr. S. Tapin, learned Senior Government Advocate, Arunachal Pradesh submits that the petitioner was appointed as skilled contingent paid staff to discharge the residual work of the department concerned and her regularization has to be done as per Recruitment Rule, which was framed in the year 2019, against 15% vacancy and at present there is no such vacancy. Mr. Tapin further submits that the ratio laid down in the case of **Jagjit Singh** [Supra] will not advance the case of the petitioner, as the facts and circumstances of the said case is different from the case in hand. Mr. Tapin further submits that the prayer of the petitioner will be considered as and when the vacancy will be available, in terms of the Recruitment Rule and as there is no vacancy at present the prayer of the petitioner cannot be considered and therefore, it is contended to dismiss the same.

8. In view of the pleadings of the parties and the submissions so advanced at the Bar, the

issues, that have arisen for consideration before this court, are:-

[i] Whether the petitioner is entitled to regularization of her service as LDC?

[ii] Whether she is entitled to minimum scale pay of LDC, on the basis of the principle of '*equal pay for equal work*'?

9. Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record and also perused the case law referred by Mr. Neog, learned counsel for the petitioner.

10. It is not in dispute that the petitioner was appointed as skilled contingent paid staff, vide order dated 10th October, 1990 [**Annexure-A**] by the then District Food & Civil Supply Officer, (DFCS), Lower Subansiri, Dist - Ziro, Arunachal Pradesh against the vacant post under his establishment @ Rs.750/- only [fixed] per month, vide memo No. SUP-18/90. It is also not in dispute that the documents placed on record, especially Annexure – B¹; Annexure – B²; and **Annexure-B³** at page No. 17; 18; and 19 respectively, of the petition, left no doubt in the mind of this court that though she was appointed as skilled contingent vide **Annexure - A**, at page No. 16 of the petition, her service is being utilized as LDC from time to time.

Annexure- B¹ indicates that on 25.07.1994, vide No. DCS/ESTT-(A)/181/93, the petitioner was appointed as LDC against short term vacancy for a period of 60 days. Thereafter, vide Annexure – B² No. DCS/ESTT-111/92 VOL-III, dated 23.07.1994, her service was extended as LDC for another 30 days and vide Annexure – B³ No. DCS/ESTT-315(P)/97, dated 26.04.2001, she was allowed to officiate as LDC from 09.04.2001 to 12.06.2001. Besides, the order dated 29.05.2012, No. CS-18/2012, she was allowed to discharge the duty of issue renewal of BPL/AAY/ANNP Ration Card and correspondence and any typing work. Thereafter, vide No. DFCS/ESTT/ECM-369/08 dated 13.11.2014, the petitioner was transferred to DRC office at Tezpur and since then she has been discharging duty as LDC in the office of the DRC, Tezpur.

11. Now coming to the first issue of regularization of her service I find that all recruitment, regularization and promotion have to be done in accordance with the relevant recruitment rules. It is the categorical submission of Mr. Tapin, the learned Sr. Government Advocate that the concerned Recruitment Rule, 2019, against 15% vacancy. There is no dispute about the same. Further submission of Mr. Tapin is that there exists no vacancy against the 15% quota

at present. The affidavit filed by the respondent authority and the documents enclosed therewith, especially **Annexure- 2**, at page No. 14 of the affidavit-in-opposition filed by the respondent Nos. 1, 2, 3 and 4 indicates that her name is at serial No. 7 of the said seniority list even after rendering service for long 32 years. This reflects a very dismal picture about the state of affairs. It is the contention of the respondent authorities that her service can be regularized as and when her turn comes.

12. Under the aforesaid circumstances, this court deemed it not fit and proper to direct the respondent authorities to regularize her service, else it would violate the right of the candidates, who are senior to her and whose names are in the Sl. No. 1 to 6 of the seniority list. In view of above discussion and finding, the first issue has to be answered in negative and accordingly, the same stands answered. Notwithstanding, it is provided that the respondent authority shall regularize her service when her turn will come as per the recruitment rule presently holding the field.

13. Now, coming to the second issue, I find that there is substance in the submission so advanced by Mr. Neog, the learned counsel for the petitioner and the ratio laid down by Hon'ble Supreme Court in the case of **Jagjit Singh [Supra]** also strengthened his submission. It is to be noted here that in the aforesaid case, in paragraph No. 42 the Hon'ble Supreme Court has summarized the parameters for application with the principle of equal pay for equal work, it is held as under :-

“(i) The ‘onus of proof’, of parity in the duties and responsibilities of the subject post with the reference post, under the principle of ‘equal pay for equal work’, lies on the person who claims it. He who approaches the Court has to establish, that the subject post occupied by him, requires him to discharge equal work of equal value, as the reference post (see – the Orissa University of Agriculture & Technology case 10, Union Territory Administration, Chandigarh v. Manju Mathur¹⁵, the Steel Authority of India Limited case¹⁶, and the National Aluminum Company Limited case¹⁸).

(ii) The mere fact that the subject post occupied by the claimant, is in a “different department” vis-a-vis the reference post, does not have any bearing on the determination of a claim, under the principle of ‘equal pay for equal work’. Persons discharging identical duties, cannot be treated differently, in the matter of their pay, merely because they belong to different departments of Government (see – the Randhir Singh case¹, and the D.S. Nakara case²).

(iii) The principle of ‘equal pay for equal work’, applies to cases of unequal scales of

pay, based on no classification or irrational classification (see – the Randhir Singh case1). For equal pay, the concerned employees with whom equation is sought, should be performing work, which besides being functionally equal, should be of the same quality and sensitivity (see – the Federation of All India Customs and Central Excise Stenographers (Recognized) case3, the Mewa Ram Kanojia case5, the GrihKalyan Kendra Workers' Union case6 and the S.C. Chandra case12).

- (iv) Persons holding the same rank/designation (in different departments), but having dissimilar powers, duties and responsibilities, can be placed in different scales of pay, and cannot claim the benefit of the principle of 'equal pay for equal work' (see – the Randhir Singh case1, [State of Haryana v. Haryana Civil Secretariat Personal Staff Association9](#), and the [Hukum Chand Gupta case17](#)). Therefore, the principle would not be automatically invoked, merely because the subject and reference posts have the same nomenclature.
- (v) In determining equality of functions and responsibilities, under the principle of 'equal pay for equal work', it is necessary to keep in mind, that the duties of the two posts should be of equal sensitivity, and also, qualitatively similar. Differentiation of pay-scales for posts with difference in degree of responsibility, reliability and confidentiality, would fall within the realm of valid classification, and therefore, pay differentiation would be legitimate and permissible (see – the Federation of All India Customs and Central Excise Stenographers (Recognized) case3 and the State Bank of India case8). The nature of work of the subject post should be the same and not less onerous than the reference post. Even the volume of work should be the same. And so also, the level of responsibility. If these parameters are not met, parity cannot be claimed under the principle of 'equal pay for equal work' (see - State of U.P. v. J.P. Chaurasia4, and the GrihKalyan Kendra Workers' Union case6).
- (vi) For placement in a regular pay-scale, the claimant has to be a regular appointee. The claimant should have been selected, on the basis of a regular process of recruitment. An employee appointed on a temporary basis, cannot claim to be placed in the regular pay-scale (see – the Orissa University of Agriculture & Technology case10).
- (vii) Persons performing the same or similar functions, duties and responsibilities, can also be placed in different pay-scales. Such as - 'selection grade', in the same post. But this difference must emerge out of a legitimate foundation, such as – merit, or seniority, or some other relevant criteria (see - [State of U.P. v. J.P. Chaurasia4](#)).
- (viii) If the qualifications for recruitment to the subject post vis-a- vis the reference post are different, it may be difficult to conclude, that the duties and responsibilities of the posts are qualitatively similar or comparable (see – the Mewa Ram Kanojia case5, and [Government of W.B. v. Tarun K. Roy11](#)). In such a cause, the principle of 'equal pay for equal work', cannot be invoked.

- (ix) The reference post, with which parity is claimed, under the principle of 'equal pay for equal work', has to be at the same hierarchy in the service, as the subject post. Pay-scales of posts may be different, if the hierarchy of the posts in question, and their channels of promotion, are different. Even if the duties and responsibilities are same, parity would not be permissible, as against a superior post, such as a promotional post (see - [Union of India v. Pradip Kumar Dey](#)⁷, and the [Hukum Chand Gupta](#) case¹⁷).
- (x) A comparison between the subject post and the reference post, under the principle of 'equal pay for equal work', cannot be made, where the subject post and the reference post are in different establishments, having a different management. Or even, where the establishments are in different geographical locations, though owned by the same master (see – the [Harbans Lal](#) case²³). Persons engaged differently, and being paid out of different funds, would not be entitled to pay parity (see - [Official Liquidator v. Dayanand](#)¹³).
- (xi) Different pay-scales, in certain eventualities, would be permissible even for posts clubbed together at the same hierarchy in the cadre. As for instance, if the duties and responsibilities of one of the posts are more onerous, or are exposed to higher nature of operational work/risk, the principle of 'equal pay for equal work' would not be applicable. And also when, the reference post includes the responsibility to take crucial decisions, and that is not so for the subject post (see – the [State Bank of India](#) case⁸).
- (xii) The priority given to different types of posts, under the prevailing policies of the Government, can also be a relevant factor for placing different posts under different pay-scales. Herein also, the principle of 'equal pay for equal work' would not be applicable (see - [State of Haryana v. Haryana Civil Secretariat Personal Staff Association](#)⁹).
- (xiii) The parity in pay, under the principle of 'equal pay for equal work', cannot be claimed, merely on the ground, that at an earlier point of time, the subject post and the reference post, were placed in the same pay- scale. The principle of 'equal pay for equal work' is applicable only when it is shown, that the incumbents of the subject post and the reference post, discharge similar duties and responsibilities (see - [State of West Bengal v. West Bengal Minimum Wages Inspectors Association](#)¹⁴).
- (xiv) For parity in pay-scales, under the principle of 'equal pay for equal work', equation in the nature of duties, is of paramount importance. If the principal nature of duties of one post is teaching, whereas that of the other is non-teaching, the principle would not be applicable. If the dominant nature of duties of one post is of control and management, whereas the subject post has no such duties, the principle would not be applicable. Likewise, if the central nature of duties of one post is of quality control, whereas the subject post has minimal duties of quality control, the principle would not be applicable (see - [Union Territory Administration, Chandigarh v. Manju Mathur](#)¹⁵).

- (xv) There can be a valid classification in the matter of pay-scales, between employees even holding posts with the same nomenclature i.e., between those discharging duties at the headquarters, and others working at the institutional/sub-office level (see – the Hukum Chand Gupta case¹⁷), when the duties are qualitatively dissimilar.
- (xvi) The principle of 'equal pay for equal work' would not be applicable, where a differential higher pay-scale is extended to persons discharging the same duties and holding the same designation, with the objective of ameliorating stagnation, or on account of lack of promotional avenues (see – the Hukum Chand Gupta case¹⁷).
- (xvii) Where there is no comparison between one set of employees of one organization, and another set of employees of a different organization, there can be no question of equation of pay-scales, under the principle of 'equal pay for equal work', even if two organizations have a common employer. Likewise, if the management and control of two organizations, is with different entities, which are independent of one another, the principle of 'equal pay for equal work' would not apply (see – the S.C. Chandra case¹², and the National Aluminum Company Limited case¹⁸)."

14. Further, having culled out the principles of 'equal pay for equal work' Hon'ble Supreme Court in paragraph Nos. 54, 55 and 56 held as under :-

“54. There is no room for any doubt that the principle of 'equal pay for equal work' has emerged from an interpretation of different provisions of the Constitution. The principle has been expounded through a large number of judgments rendered by this Court, and constitutes law declared by this Court. The same is binding on all the courts in India, under [Article 141](#) of the Constitution of India. The parameters of the principle have been summarized by us in paragraph 42 hereinabove. The principle of 'equal pay for equal work' has also been extended to temporary employees (differently described as work-charge, daily-wage, casual, ad-hoc, contractual, and the like). The legal position, relating to temporary employees, has been summarized by us, in paragraph 44 hereinabove. The above legal position which has been repeatedly declared is being reiterated by us, yet again.

55. In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour. An employee engaged for the same work, cannot be paid less than another, who performs the same duties and responsibilities. Certainly not, in a welfare state. Such an action besides being demeaning, strikes at the very foundation of human dignity. Any one, who is compelled to work at a lesser wage, does not do so voluntarily. He does so, to provide food and shelter to his family, at the cost of his self-respect and dignity, at the cost of his self-worth, and at the cost of his integrity. For he knows, that his dependents would suffer immensely, if he does not accept the lesser wage. Any act, of paying less wages, as compared to others similarly situate, constitutes an act of exploitative

enslavement, emerging out of a domineering position. Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation.

56. We would also like to extract herein [Article 7](#), of the International Covenant on Economic, Social and Cultural Rights, 1966. The same is reproduced below:-

“[Article 7](#) :- The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.”

India is a signatory to the above covenant, having ratified the same on 10.4.1979. There is no escape from the above obligation, in view of different provisions of the Constitution referred to above, and in view of the law declared by this Court under [Article 141](#) of the Constitution of India, the principle of ‘equal pay for equal work’ constitutes a clear and unambiguous right and is vested in every employee – whether engaged on regular or temporary basis.”

15. Now, advertent to the facts herein this case, I find that it is the pleaded case of the petitioner that apart from the period indicated in the **Annexure-B¹ to B³**, in her entire period of service, she has been discharging the duties which are assigned to regular LDC. The Order, dated 29.11.2012, (**Annexure-F**) at page No. 41 of the petition, which is the Charter of duties and responsibilities in respect of officials posted under District Food & Civil Supply Office, indicates the duties assigned to the petitioner at Sl.No.8 and to one LDC, namely- Smti Tage Yassung, at Sl. No.9, while she was serving at Ziro. For better appreciation of the contention, it is reproduced herein below:-

8. Smti. Bina Devi, Cont. Staff:- (i) ***Issue renewal of BPL/AAY /ANNP, Ration Card and Correspondence and***

Typing Work.

9. Smti Tage Yassung, LDC:- ***(i) Issue renewal of APL R-Card and Correspondence and issue of NOC and Typing Work etc.***

16. Be it mentioned here that the '**Annexure - F**' is not disputed by the respondent authorities. Thus, it appears that the 'onus of proof' of parity in the duties and responsibilities of the subject post and the reference post, under the principle of 'equal pay for equal work,' appears to be successfully discharged by the petitioner. Thus, '**Annexure-F**', leaves no room for doubt that the petitioner has been discharging identical duties with that of the reference of post i.e. LDC, in the office of the respondent authorities.

17. The contention of the petitioner that she has been discharging the work of LDC in the office of the District Food & Civil Supply, Ziro, and subsequently at DRC Office, Tezpur, since her joining has not been seriously disputed by the respondent authorities. **Annexure- C¹, C², & C³ and Annexure-H**, series of documents reveals that the petitioner is sincere and diligent also. It is also not in dispute that the petitioner has rendered 32 years service and she has been drawing less than half of the salary, which the regular LDC have been drawing. Thus, I find no good reason as to why the principle of 'equal pay for equal work', as enunciated in the case of **Jagjit Singh** [supra], and the ratio laid down therein will not be applicable to the facts of the case in hand. Though Mr. Tapin, the learned Senior Government Advocate submits that the ratio laid down in the case of **Jagjit Singh** (supra) is not applicable in the present case, the said submission left this court unimpressed. I find no good reason as to why the ratio will not be applicable in the case in hand. Under the facts and circumstances discussed herein above, this court is of the considered opinion that the ratio laid down in the case of **Jagjit Singh** [supra], and the principle of '*equal pay for equal work*' is squarely applicable in the case of the present petitioner.

18. It is also to be mentioned here that in the case of **Jagjit Singh** [supra], it has also been stated that 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 them the right to claim wages, at par with the minimum of the pay-scale of regularly engaged Government employees, holding the same post.

19. Thus, drawing premises from the principle of law, so enunciated in **Jagjit Singh** [supra], this court is inclined answer the second issue, which has been framed in para No. 8, in favour of the petitioner. Accordingly, by a mandamus of this court, the respondent authorities are directed to provide minimum of the scale of pay, in the lowest grade of the LDC to the petitioner, forthwith. The petitioner shall obtain a certified copy of this judgment and furnish the same to the respondent authorities within a week from today.

20. In terms of above this writ petition stands disposed of. The parties have to bear their own costs.

JUDGE

Comparing Assistant