

Court No. - 20

Case :- WRIT - A No. - 7878 of 2023

Petitioner :- Ranjit Singh Yadav And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Horticulture Lko And And 2 Others

Counsel for Petitioner :- Mohd. Ateeq Khan

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioners and learned State Counsel appearing on behalf of opposite parties.
2. Petition has been filed seeking a direction to the opposite parties for payment of minimum of the pay scale of Class IV post to petitioners like other similarly situated daily wager working in the department.
3. It has been submitted that petitioners were engaged in the department on daily wage basis in year 2012 and 2015 respectively and are performing same function and duties as are being performed by other daily wager employees of the department of the same post as well as with the same timings and therefore are entitled for minimum of the pay scale on the principle of equal pay for equal work.
4. Learned counsel for petitioners has relied upon judgment passed by Hon'ble Supreme Court in the case of **Sabha Shankar Dube v. Divisional Forest Officer** reported in AIR 2019 SC 220 to submit that petitioners are entitled for aforesaid benefit.
5. Considering aforesaid submissions advanced by learned counsel for parties and perusal of materiel on record, since consideration of petitioners' grievance would also entail factual aspects, liberty is granted to petitioners to file fresh individual representations before opposite party No.2 i.e. Director of Horticulture Evam Food Processing Department, Lucknow which shall be considered and decided by the said authority in the light of judgment rendered by Hon'ble Supreme Court in the

case of **Sabha Shankar Dube**(supra) in case the same is applicable, within a period of six weeks from the date a copy of this order is produced before him.

Order Date :- 11.10.2023

kvg/-