

Court No. - 20

Case :- WRIT - A No. - 7897 of 2023

Petitioner :- Kallu

Respondent :- State Of U.P. Thru. Special Secy. Deptt. Horticulture And Food Processing, Lucknow And 2 Others

Counsel for Petitioner :- Vaibhav Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner 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 petitioner like other similarly situated employees in the department.
3. It has been submitted that petitioner was engaged in the department on daily wage basis in year 2008 and is performing same function and duties as are being performed by other similarly situated employees of the department of the same post as well as with the same timings and therefore is entitled for minimum of the pay scale on the principle of equal pay for equal work.
4. Learned counsel for petitioner 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 petitioner is entitled for aforesaid benefit.
5. Considering aforesaid submissions advanced by learned counsel for parties and perusal of materiel on record, since consideration of petitioner's grievance would also entail factual aspects, liberty is granted to petitioner to file fresh representation 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 :- 12.10.2023

kvg/-