



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

Case No. : WP(C)/439/2019

HOPU YASSUK
(CONTINGENCY COMPUTER OPERATOR), NYAPIN BRANCH,
ARUNACHAL PRADESH STATE COOPERATIVE APEX BANK LTD.
P.O NYAPIN, P.S SANGRAM, DISTT KURUNG KUMEY,A.P

2: SARTAM TAJA
Age:
Occupation :
(CONTINGENCY COMPUTER OPERATOR) ZIRO BRANCH ARUNACHAL
PRADESH STATE COOPERATIVE APEX BANK LTD. P.O/P.S- HAPOLI DISTT.
LOWER SUBANSIRI A.P

3: MARGAM BAGRA
Age:
Occupation :
(CONTINGENCY COMPUTER OPERATOR) GANGA BRANCH ARUNACHAL
PRADESH STATE COOPERATIVE APEX BANK LTD. P.O/P.S-ITANAGAR
DISTT. PAPUM PARE A.P

4: TAKO YAJANG
Age:
Occupation :
(CONTINGENCY COMPUTER OPERATOR) NYAPIN BRANCH ARUNACHAL
PRADESH STATE COOPERATIVE APEX BANK LTD. P.O-NYAPIN P.S-
SANGRAM DISTT. KURUNG KUMEY A.P

5: TAMIN GUHA
Age:
Occupation :
(CONTINGENCY COMPUTER OPERATOR) HEAD OFFICE NAHARLAGUN
ARUNACHAL PRADESH STATE COOPERATIVE APEX BANK LTD.

P.O/P.S.NAHARLAGUN DISTT. PAPUM PARE A.P

6: BENGIA TAMI

Age:

Occupation :

CONTINGENCY COMPUTER OPERATOR)KOLORING BRANCH
ARUNACHAL PRADESH STATE COOPERATIVE APEX BANK LTD.

P.O/P.SKOLORIANG DISTT. KURUNG KUMEY A.P

7: Yania Pania

Age:

Occupation :

(Contingency Messenger) Doimukh Branch Arunachal Pradesh State Co-Operative
Apex Bank Limited PO/PS Doimukh District Papumpare Arunachal Pradesh.

8: Yage Hili

Age:

Occupation :

(Contingency Messenger) Basar Branch Arunachal Pradesh State Co Operative Apex
Bank Limited PO/PS Basar District Lepa Rada Arunachal Pradesh.

9: Tam Apey

Age:

Occupation :

(Contingency Peon) Naharlagun Branch Arunachal Pradesh State Co Operative Apex
Bank Limited PO/PS Naharlagun District Papumpare Arunachal Pradesh.

10: Tadar Kukcha

Age:

Occupation :

(Contingency Peon) Nyapin Branch Arunachal Pradesh State Co Operative Apex
Bank Limited PO Nyapin PS Sangram District Kurung Kumey Arunachal Pradesh.

11: Taring Sania

Age:

Occupation :

(Contingency Peon) Naharlagun Branch Arunachal Pradesh State Co Operative Apex
Bank Limited PO/PS Naharlagun District Papumpare Arunachal Pradesh.

12: Tai Yalu

Age:

Occupation :

(Contingency Peon) Head Office Naharlagun Arunachal Pradesh State Co Operative
Apex Bank Limited PO/PS Naharlagun District Papumpare Arunachal Pradesh.

13: Gyamar Yatup

Age:

Occupation :

(Contingency Peon) Naharlagun Branch Arunachal Pradesh State Co Operative Apex Bank Limited PO/PS Naharlagun District Papumpare Arunachal Pradesh.

14: Tadar Yadum

Age:

Occupation :

(Contingency Peon) Women Branch Naharlagun Arunachal Pradesh State Co Operative Apex Bank Limited PO/PS Naharlagun District Papumpare Arunachal Pradesh

VERSUS

THE STATE OF AP REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF A.P

2:THE SECREATRY

Age: 0

Occupation :

DEPTT. OF COOPERATION GOVT. OF A.P

3:THE ADIMISTRATOR

Age: 0

Occupation :

ARUNACHAL PRADESH STATE COOPERATIVE APEX BANK LTD. HQ
NAHARLAGUN PAPUM PARE DISTT. A.P

4:THE MANAGING DIRECTOR

Age: 0

Occupation :

ARUNACHAL PRADESH STATE COOPERATIVE APEX BANK LTD.HQ
NAHARLAGUN P.O/ P.S-NAHARLAGUN DISTT. A.P.

Advocate for the Petitioner : Lissing Perme

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 11-03-2024

Heard Mr. L. Perme, learned counsel for the petitioners and Mr. P. Taffo, learned Standing counsel appearing for the respondent Bank.

2. The petitioners by way of instituting the present proceedings have presented a challenge to an order dated 25.06.2019 issued by the Managing Director Arunachal Pradesh State Cooperative Apex Bank Limited rejecting the prayers made by the petitioners for equal pay for equal work.

3. The petitioners were engaged on contingency basis against different posts and they have been working in such capacity till date. Although the initial appointments of the petitioners were stated to be for a period of 6 (six) months from the date of joining, however, as contended in the Bar, the services of the petitioners were being continued with till date. The petitioners were engaged as contingency Computer Operators, contingency Messenger and Contingency Peon. The petitioners who were engaged contingency Computer Operators were being paid wages @ Rs. 15,000/- per month, the petitioners so engaged as contingency Messenger were being paid @ Rs. 7000/- per month. The petitioners who were engaged as contingency Peon were being paid in the range of Rs. 5,000/- to Rs. 10,000/-. The petitioners had approached this Court earlier, by way of instituting WP(C)No. 97(AP)2019, praying for a direction upon the authorities for grant of equal pay for the work as done by them in relation to similar work as done by the regular incumbents. This Court vide order dated 16.05.2019 proceeded to dispose of the said writ petition by requiring the respondent authorities more particularly the Secretary, Department of Cooperation, Government of

Arunachal Pradesh and the Managing Director of the Arunachal Pradesh, State Cooperative Apex Bank Limited to process the representation as filed by the petitioners and dispose the same by way of a speaking order within 6 (six) weeks from the date of receipt of a certified copy of the order. It is the contention of the petitioners that the respondents, thereafter, vide the order dated 25.06.2019 proceeded to consider the representation as submitted by the petitioners and rejected their prayer so made by them by holding that the grievance raised by the petitioners had no merit.

4. A perusal of the order dated 25.06.2019 would reveal that the grievances as raised by the petitioners in their representation dated 22.01.2019 was considered by the authority and the authority although had noted in the opening paragraph of the order dated 25.06.2019 that the petitioners had prayed for equal pay for equal work before this Court in the proceedings of WP(C)97/(AP)2019, failed to examine the said grievance of the petitioners and proceeded to consider the issue holding that the petitioners had prayed for regularization of their services. The matter was placed before the Human Resource Committee of the Bank and the Committee had purportedly submitted a report observing that the petitioners were appointed on temporary basis for a period of 6 (six) months and accordingly, they were not entitled to claim for regularization. By recording the said finding, it was held that the petitioners do not have any right to claim for regularization of their services or for enhancement of their respective scales of pay.

5. This Court having directed the respondent authorities to specifically consider the grievance as raised by the petitioners in their representation dated 22.01.2019, the authorities of the Bank could not have ignored such unambiguous directions passed by this Court, vide the order dated 16.05.2019 in WP(C)No. 97(AP)2019. The grievance of the petitioners as mandated to be considered having not been so

considered, the order dated 25.06.2019 cannot be held to be a reasoned and speaking order issued in pursuance to the directions passed by this Court vide the said order dated 16.05.2019 and accordingly, the said order dated 25.06.2019 cannot be sustained and the same, accordingly, is interfered with.

6. The respondent no. 4 is now required to take on record the said representation dated 22.01.2019 as preferred by the petitioners in the matter and which was directed to be considered by this Court, vide order dated 16.05.2019 and on consideration of the same, strictly in the light of the decisions of the Hon'ble Supreme Court in the case of ***State of Punjab vs. Jagjit Singh***, reported in ***2017 (1) SCC 148***, to determine as to whether the petitioners are required to have their wages enhanced in comparison to the incumbents working against regular post and doing work similar to that of the petitioners, herein.

7. It is to be noted that while considering the representation dated 22.01.2019, the petitioners shall be given an opportunity of hearing and it is only after due examination of the grievances of the petitioners and also by providing to them an opportunity of hearing that the respondent no. 4 shall pass a reasoned and speaking order, specifically relating to the claim of the petitioners for parity pay. It is to be noted that the petitioners in their representation dated 22.01.2019 having not raised any other grievances, the respondent no. 4 shall only confine the consideration to the prayer of the petitioners for pay parity with the employees working against regular post in the organization. It is also provided that the petitioners may prefer a further additional representation in the matter and the same be submitted before the respondent no. 4, along with a certified copy of this order.

8. The respondent no. 4, on receipt of a certified copy of the order along with the additional representation that may be filed in the matter by the petitioners, shall proceed to consider the representation dated 22.01.2019 along with the additional

representation that may be filed in the matter in terms of the directions passed by this Court and upon due and proper examination in the manner required, hereinabove, shall pass a speaking order, within a period of 8 (eight) weeks from the date of receipt of the certified copy of this order. The decision that would be arrived at in the matter by the respondent no. 2 shall be duly communicated to the petitioners.

9. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant