

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 04 .09.2015

1.CWP No.12732 of 2012(O&M)

TARANDEEP KAUR & ORS V/S STATE OF PUNJAB & ORS

2.CWP No.24079 of 2012 (O&M)

MALKIAT SINGH AND ORS V/S STATE OF PUNJAB AND ORS

3.CWP No.19001 of 2012 (O&M)

PRITPAL SINGH & ORS V/S STATE OF PUNJAB & ORS

4.CWP No.21121 of 2012 (O&M)

JATINDER KAUR AND ORS V/S STATE OF PUNJAB AND ORS

5.CWP No.20225 of 2012 (O&M)

Maninder Kaur Viridi and others vs. State of Punjab and others

6.CWP No.13888 of 2013 (O&M)

RIMPY RANI & ORS V/S STATE OF PUNJAB & ORS

7.CWP No.2854 of 2015 (O&M)

NARINDER SINGH AND OTHERS V/S UNION OF INDIA AND
OTHERS

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Akshay Bhan, Sr.Advocate with

Mr.Animesh Sharma, Advocate

Mr.R.K.Chopra, Sr.Advocate with

Ms.Shikha Jaidka, Advocate

Mr.Bikramjit Singh Bajwa, Advocate

For the petitioner(s)

Ms.Puneet Shekhon, Addl.A.G, Punjab

Mr.Dushyanat Sarvesh and

Mr.Gaurav Pathania, Advocate For respondents

in CWP Nos.24079, 12732 & 21121/2012

Mr.Ashish Rawal, Advocate for NCTE

Mr.Anupam Singla, Advocate for respondent no.3 in

CWP No.13888 of 2013

1.To be referred to the Reporter or not?

2.Whether the judgment should be reported in the Digest?

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Rajiv Narain Raina, J.

1. This order will dispose of CWP Nos.24079, 12732, 19001, 21121 and 20225 of 2012, 13888 of 2013, 2854 of 2015 as common questions of law and facts are involved in all these writ petitions.

2. These petitions have been filed seeking directions to the respondents based on the reason of according equal treatment and non-discriminatory action amongst teachers. The petitioners have been discharging duties of imparting education in primary and secondary schools in the State of Punjab and are designated as Education Volunteers/Service Providers under the Sarv Siksha Abhiyan. The duties discharged by the petitioners are similar to the duties and responsibilities performed by regular employees of the Sarv Siksha Abhiyan and employees working in the Rashtriya Madhyamik Sikhiya Abhiyan. They claim parity of treatment in the matter of pay and allowances with regular teachers of their scheme and teachers working under the Rashtriya Madhyamik Sikhiya

Abhiyan scheme on the principle of 'equal pay for equal work' as they say the work shoulder to shoulder and do the same or similar work. The principle has been recognized by the Supreme Court and this court in appropriate cases in various judgments including in **State of Punjab and others Vs. Davinder Singh and others** (Civil Appeal No.4492 of 1997(arising out of SLP (C) 1502 of 1997) (Annexure P-9), **Kulbir Singh Versus State of Punjab** CWP No. 10017 of 1995 (Annexure P-10) and **Maninder Kaur Versus State of Punjab** 2003(4) SLR 771 (Annexure P-12). The above cited judgments have referred to the law settled by the Supreme Court in the case of **State of Orissa Versus Balram Sahu** (2003) 1 SCC 250 and the Full Bench decision of this Court in the case titled as **Vijay Sharma Vs. State of Punjab** 2002(1)SCT 931 commending the view that even contract labour are entitled to the minimum of the pay scale admissible to their counterparts working on regular basis.

3. The petitioners have individually and through their union requested the authorities for the grant of salary in the minimum of prescribed regular pay scales plus allowances and have also claimed arrears of difference of salary so calculated for a period of three prior years which demand has not been granted.

4. The counsel appearing for the respondents has fairly stated that though the respondent No.3 has filed a detailed reply to the writ petitions and the matter of pay has been considered in the meeting dated 29.04.2011 (Annexure P-30), but not in light of the aforesaid judicial precedents. It is stated by the learned counsel that as the issue involved in these petitions has already been settled, it would serve the

ends of justice if a direction is issued to the respondents to consider and decide the demand of the petitioners for equal pay for equal work in there light.

5. Since the matter is covered by judicial precedents, this court should not be made to waste its time on such a matter where the competent authority must act honestly and faithfully discharge its duty by making a just decision keeping the law declared on the subject in mind.

6. Therefore, a direction is issued to the respondent No.1 to 3 to consider and decide the demand of the petitioners for equal pay for equal work in a fair and just manner and in case relief is found grantable in law and on facts, the monetary benefits be extended to the petitioners and their pay be fixed on principles of parity of treatment to the extent of paying the minimum of the pay scale of regular employees or the salary in the minimum of the pay scales drawn by teachers working under the Rashtriya Madhyamik Sikhiya Abhiyan. Arrears, if any, to the extent admissible in law may be granted in accordance with law when there exists an equation of duties and responsibilities between the two set of employees. The needful should be done within a period of two months from the date of receipt of the certified copy of this order. In case, the minimum of the pay scale is found to be applicable and admissible on facts and justified in law then it would not be necessary for the competent authority to pass a speaking order and the rights of parties can be determined and operated through office orders. In case, and for any valid reason an adverse order is contemplated, then the petitioners would have a right

to be heard and that would necessitate the passing of a reasoned order disclosing the process of reasoning adopted. In case hearing is required, then the time period specified is extended by another 30 days or any further reasonable time to complete the exercise as the circumstances may warrant in order to do full and complete justice.

7. With these directions, these petitions stand disposed of.

8. Photocopies of this order be placed on the record of other connected files.

(RAJIV NARAIN RAINA)
JUDGE

4.9.2015

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