

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CWP No.19761 of 2015 (O&M)

Date of Decision: 10.11.2016

Sukhwinder Pal Singh and othersPetitioners

Versus

Punjab School Education Board and anotherRespondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. K.L. Arora, Advocate
for the petitioners.

DAYA CHAUDHARY, J. (ORAL)

C.M. No.14298 of 2016

This application has been moved under Section 151 CPC for disposal of main case i.e ***CWP No.19761 of 2015*** in view of judgment of Hon'ble the Apex Court in ***State of Punjab and others vs Jagjit Singh and others 2016(4) SCT(SC) 641***.

Notice in the application.

Notice on behalf of respondents has been accepted by Mr. G.S. Bal, Sr. Advocate with Mr. Sewa Singh, Advocate.

Learned counsel for the respondents has not disputed the ratio of judgment passed in ***Jagjit Singh's*** case (Supra).

In view of the above, the present application is allowed and the main case is taken up for hearing today itself.

CWP No.19761 of 2015

The relevant portion of judgment of Hon'ble the Apex Court in **Jagjit Singh's** case (supra) is reproduced as under :-

“48.....As we have already noticed above, the Constitution Bench unambiguously held, that **on the issue of pay parity**, the High Court ought to have directed, that the daily wage workers be paid **wages equal to the salary**, at the lowest grade of their cadre. This deficiency was made good, by making such a direction.

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.

57.....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 in them the right to claim wages, at par** with the minimum of the pay scale of regularly engaged Government employees, holding the same post.

58. In view of the position expressed by us in the

foregoing paragraph, we have no hesitation in holding, that all the concerned temporary employees, in the present bunch of cases, would be entitled to draw wages at the minimum of the pay-scale (at the lowest grade, in the regular pay-scale), extended to regular employees, holding the same post.”

In view of the above, the present petition is squarely covered by **Jagjit Singh's** case (supra). Hence, the present petition is allowed in the same terms. However, the respondents are directed to grant same relief but the arrears to the petitioners shall be restricted for a period of three years and two months prior to the date of filing of this writ petition.

Registry is directed to list **CWP No.23151 of 2015** and **CWP No.710 of 2016** for final hearing.

10.11.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes