

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4109 OF 2016
(Latabai Sharad Agrawal Vs. The State of Maharashtra and others)

Mr. M.M. Chaudhari, Advocate holding for Mr. Chaudhari
Md. Mujeebuddin, Advocate for the Petitioner
Mr. A.V. Deshmukh, A.G.P. for the respondent/State
Mr. Avinash R. Salve, Advocate for respondent No. 3

CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.

DATE : 11th APRIL, 2017

PER COURT :

Heard.

2. Mr. Chaudhari, the learned counsel for the petitioner submits that the petitioner came to be appointed as Parichar vide appointment order dated 4th October, 1991. Since then, she is continuously performing her duties till date. Initially, the petitioner was paid only Rs. 50/- per month. Thereafter, in 1998, it was increased to Rs. 300/- per month and now, she is getting Rs. 1200/- per month as salary. The learned counsel submits that though the petitioner is shown to have been appointed as a part-timer, still she is required to work full time. According to him, a

similarly situated employee is being paid salary i.e. half of the salary in regular pay scale. The learned counsel submits that in view of the judgment of the Hon'ble the Apex Court in the case of ***State of Punjab and others Vs. Jagjit Singh and others (2017) 1 SCC 148***, the petitioner is entitled for equal pay for equal work.

3. Mr. Salve, the learned counsel for the respondents – Zilla Parishad submits that the petitioner is working as a part-timer and is being paid emoluments as are applicable therefor.

4. We have considered the submissions canvassed by the learned counsel for the parties.

5. The appointment order placed on record shows that the petitioner is appointed as part-time Parichar. In such circumstance, the petitioner certainly would be entitled to the salary i.e. half of the salary being paid to a full-time Parichar. The petitioner places reliance on the order passed by the Chief Executive Officer, Zilla Parishad, Aurangabad in respect of similarly situated employee namely Smt. Dwarkabai Ganmal Dandge, dated 11th August, 2000.

6. The learned counsel for the respondents also could not show as to how the petitioner would not be entitled at least for 50% of the salary payable to the full-timer as that of a full-time Parichar.

7. Considering the above, we pass the following order:-

8. Respondent No. 2 shall pay to the petitioner 50% of the salary admissible to the full-time Parichar. The same shall be paid to the petitioner from February, 2013. The arrears shall be paid preferably within six months and payment of salary, as stated above, shall be made regularly. With these directions, the Writ Petition is disposed of. No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE