

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**AND**

**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**W.A.No. 1241 OF 2017**

**DATED 31<sup>ST</sup> AUGUST, 2017**

Between:

Sri Talupulamma Ammavari Temple,  
Lova Village, Tuni Mandal,  
East Godavari District,  
Rep. by its Executive Officer

... Appellant

AND

K.Satti Babu and others

... Respondents

Counsel for the appellant : Smt. K.Lalitha

Counsel for respondent Nos. 1 & 2 : Sri V.S.K. Rama Rao

Counsel for respondent Nos. 3 & 4 : G.P. for Endowments (A.P.)

THE COURT MADE THE FOLLOWING

**JUDGMENT:** (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Feeling aggrieved by order of a learned single judge, whereby he has modified order dated 07-12-2016 in W.P.M.P.No. 52430 of 2016 in W.P.No. 42518 of 2016 and directed respondent No. 4 to pay minimum of regular pay scale, payable to last grade service employees, to respondent Nos. 1 and 2, this Writ Appeal is filed by respondent No. 3 in the Writ Petition.

2. Respondent Nos. 1 and 2, who have been working as Prasadam Carrier and Sweeper respectively, filed the aforementioned Writ Petition for a *mandamus* to direct the appellant and respondent Nos. 3 and 4 to extend minimum time scale based on resolution dated 06-11-2016 passed by Trust Board of the appellant temple. In W.P.M.P.No. 52430 of 2016 filed by respondent Nos. 1 and 2 seeking a direction to extend time scale to them, the learned single judge initially passed order on 07-12-2016 granting an *interim* direction based on the resolution dated 06-11-2016 of the Board of Trustees of the appellant temple. In the vacate stay applications filed by the appellant and respondent Nos. 3 and 4, the learned single judge directed respondent No. 4 to pay minimum regular pay scale. In his order, the learned single judge has referred to and relied on the judgment of the Apex Court in ***State of Punjab and others Vs. Jagjit Singh and others***<sup>1</sup>, wherein the principle of 'equal pay for equal work' in favour of temporary employees including daily wage, casual, *ad hoc*, contractual and the like is reiterated. The learned single judge has observed that in the said judgment, the Hon'ble Supreme Court held that the sole factor for determination is whether a temporary employee is rendering similar duties and responsibilities as are discharged by a regular employee holding the corresponding post.

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<sup>1</sup> 2017 (1) SCC 148

3. In our opinion, so long as temporary employees have been discharging functions similar to regular employees holding corresponding posts, they cannot be denied at least pay scale if not regularization. Though learned standing counsel has strenuously submitted that the nature of duties being discharged by respondent Nos. 1 and 2 is different from that of the regular employees, the same is not substantiated in the counter affidavit filed by the appellant before the learned single judge. Admittedly, respondent Nos. 1 and 2 have been working for more than 10 years and they are being paid meager monthly wages of about Rs.13,000/- each which are hardly sufficient for maintaining themselves and their family members in these inflationary days. This Court cannot refrain from taking judicial notice of spiraling prices and it would be wholly unreasonable to expect an employee whether temporary or *ad hoc* to discharge his functions in a proper manner with such paltry wages. The appellant being a public religious institution cannot deprive its temporary employees of reasonable wages to meet the barest minimum requirements in life. As the order of the learned single judge is based on well settled principle of equal pay for equal work, we do not find any reason to interfere with the same in exercise of our Letters Patent jurisdiction. Hence, the Writ Appeal is dismissed.

4. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No. 2283 of 2017 shall stand dismissed as infructuous.

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**C.V.NAGARJUNA REDDY, J.**

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**GUDISEVA SHYAM PRASAD, J.**

Date: 31-08-2017.  
JSK