

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 152 of 2018

- D. Laxmi Narayan S/o Shri D. Kotaiah, Aged About 39 Years R/o Azad Mohalla, Ward No. 20, Camp - 1, Supela, Bhilai, District Durg Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Chief Secretary, Employment And Training, Department, P.S. Rakhi New Raipur Chhattisgarh
2. The Joint Director, (Establishment Section), Directorate Employment And Training, P.S. Rakhi, New Raipur Chhattisgarh
3. The Joint Director (Training), Industrial Training Institutes, Regional Officer, Raipur Chhattisgarh
4. Principal, Industrial Training Institute, Pulgaon, Durg, P.S. Pulgaon, District Durg Chhattisgarh

-----Respondents

For Appellant	: Shri Aditya Tiwari, Advocate
For Respondents/State	: Shri Faiz Kazi, Panel Lawyer

**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board**

Per Ajay Kumar Tripathi, Chief Justice

05.02.2019

1. Writ Application of the appellant was dismissed by the learned Single Judge vide his order dated 10.03.2017. His prayer before the learned Single Judge was to grant him equal pay for equal work. Learned Single Judge did not find any merit in such prayer because, there was no foundation or pleading to show that the appellant was being discriminated in relation to payment of salary for similar work being performed by others and earning a better remuneration. It was a misplaced prayer to make keeping in mind that admittedly the appellant was appointed as *Safai Karmachari* on a fixed remuneration which was subsequently revised.

2. Learned Single Judge, therefore, dismissed the Writ Application.

3. A Review application thereafter, came to be preferred where yet another plea was taken that since the appellant was working as a Peon, he should be paid salary at par with what a regular peon was entitled to. Since these facts were not brought before the learned Single Judge, therefore, a prayer for review of the previous order was made. The Review application was dismissed and rightly so because there was no error apparent on the face of record committed by the learned Single Judge when he passed the order in the Writ Application.

4. Now appeal has been preferred challenging the order passed in WPS-1207 of 2017 dated 10.03.2017 as well as the order passed in Review Petition- 106 of 2017.

5. There is no infirmity with the orders in question which requires rectification. Even otherwise, this Court cannot entertain a third case now which is sought to be urged before us without touching on the infirmity committed by the learned Single Judge in the impugned orders in question.

6. Appeal has no merit. Accordingly, it is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge