



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.6499 of 2019

1.A.Raman
2.A.Arumugam
3.C.Perumal
4.S.Jeyakumar
5.A.Nagarajan

... Petitioners

Vs.

The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to pay the petitioner's the scales of pay, which are applicable to the regular employees holding the same post in the Registration Department within a time frame that may be stipulated by this Court.

For Petitioners : Mr.B.S.Meltiue
For Respondent : Mr.M.Murugesan,
Government Advocate

ORDER

This writ petition has been filed seeking to directing the respondent to pay the scales of pay, which are applicable to the regular employees holding the same post in the Registration Department, to the petitioners.

2.The learned Counsel for the petitioners submitted that seeking equal pay for equal work, the petitioners made individual representations to the respondent on various dates. However, the respondent has not considered the representations till date. Therefore, the petitioners are before this Court, seeking appropriate direction to the respondent.

3.The learned Counsel relied upon the judgment of the Hon'ble Supreme Court, in the case of **State of Punjab and others Vs. Jagjit Singh and Others**, reported in **(2017) 1 SCC 148** and the relevant portions of the same read thus:

"58.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.

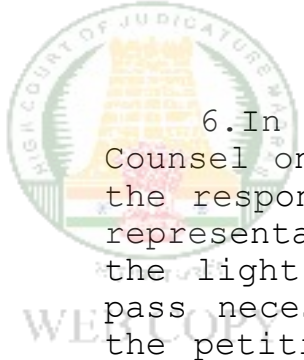
61. In view of the position expressed by us in the foregoing paragraph, we have no hesitation in holding, that all the concerned temporary employees, in the present bunch of cases, would be entitled to draw wages at the minimum of the pay-scale (at the lowest grade, in the regular pay scale), extended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

4. The learned Counsel for the petitioner also relied upon the judgement of the Hon'ble Supreme Court in the case of **Sabha Forest Dube Vs Divisional Forest Officer and Ors, [Civil Appeal No.10956 of 2018]**, dated 14.11.2018 and the relevant portion whereof reads as follows:

"10. The issue that was considered by this Court in Jagjit **Singh** (supra) is whether temporary employees (daily wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and likewise) are entitled to the minimum of the regular pay scales on account of their performing the same duties which are discharged by those engaged on regular basis against the sanctioned posts. After considering several judgments including the judgments of this Court in **Tilak Raj** (supra) and **Surjit Singh** (supra), this Court held that temporary employees are entitled to draw wages at the minimum of the pay scales which are applicable to the regular employees holding the same post."

Hence, the learned Counsel for the petitioners prayed for a similar relief in this writ petition also.

5. The learned Government Advocate appearing for the respondent has no serious objection in granting such relief to the petitioners.



6. In view of the above submissions so made by the learned Counsel on either side, without going into the merits of the case, the respondent is directed to consider the petitioners' respective representations, on merits and in accordance with law and also in the light of the judgments of the Supreme Court cited supra and pass necessary orders, after affording opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

dsk

To
The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.

+5CC TO MR.B.S.MELTUE, Advocate Sr. No. 60276
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.60570

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AL (CO)
TR (03.05.2019) 3P 8C