

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

W.P.No.31001 of 2017

ORDER

This writ petition is filed seeking the following relief:

“.....to issue an order or direction more particularly one in the nature of Writ of Mandamus to declare the inaction of the respondent corporation in not extending the monetary benefits of PRC Time scales to the petitioners herein from time to time since their initial appointment to till date on par with the regular employees from time to time as highly illegal, arbitrary, unconstitutional against the Articles 14 and 16 of our constitution and totally discriminatory and arbitrary on the part of the 2nd respondent corporation to cause harm and financial loss to these petitioners and prays to direct the respondents herein to pay the equal pay for equal work on par with the regular employees in PRC scales from time to time since their initial appointment in their respective equivalent cadre with all consequential monetary benefits including arrears of D.A., H.R.A and C.C.A and also award exorbitant costs for driving the petitioners to the Honble Court even after implementing equal pay for equal work on par with regular employees to their colleague vide proceedings No.TSDC/ Admn/ P2/ 20/ 2014 dated 20.4.2017”

2. Heard Sri Ch.Ganesh, learned counsel appearing for the petitioners and Sri G.Vidya Sagar, learned Senior Counsel for respondents.

3. It has been contended by the petitioners that they are working on outsourcing basis in various posts with the respondents and the nature of duties performed by them are regular in nature and they are discharging the duties of regular workers though their nomenclature is outsourcing. When similarly situated persons were not given minimum time scale of pay, they have filed W.P.No.18550

of 2014 and the said writ petition was allowed. Aggrieved by the same, the respondents have carried the matter in appeal by filing W.A.No.736 of 2016 and the Division Bench of this Court was pleased to dismiss the said Writ Appeal vide order dated 06.12.2016 upholding the judgment rendered by the learned Single Judge.

4. Learned counsel appearing for the petitioners submits that the petitioners are also similarly situated persons and therefore they are also entitled for equal pay for equal work on par with regular employees. Therefore, appropriate orders be passed in the writ petition directing the respondents to extend minimum time scale of pay attached to the posts in which the petitioners are working as was done in the case of petitioners in W.P.No.18550 of 2014.

5. The learned Senior Counsel appearing for the respondents has contended that the petitioners are working on outsourcing basis and they are not entitled for equal pay for equal work and the principle enunciated in the *State of Punjab and others Vs. Jagjit Singh and Others (Civil Appeal No.213 of 2013, dated 26.10.2016)* is not applicable in respect of petitioners herein and the said judgment is applicable only in respect of contract employees but not in the case of outsourcing employees. However, he submits that let the petitioners submit individual representations to the respondents and the respondents will consider the same and appropriate orders would be passed in accordance with law.

6. Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the petitioners to submit individual representations afresh to the

respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representations, the respondents shall consider the same and pass appropriate orders, in accordance with law, within a period of eight weeks thereafter. No costs.

7. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILU

Date: 08-07-2019
Prv

