

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13684 of 2019

ORDER:

With the consent of both the parties, this Writ Petition is disposed of at the admission stage.

This Writ Petition is filed seeking the following relief:

“.....to issue Writ of Mandamus by declaring the action of the respondents in not implementing Section-4 of Equal Remuneration Act, 1976, and other Acts including the law laid down by the Hon'ble Supreme Court in the case of State of Punjab v. Jagjit Singh and others (2017 SCC (1) 148), to pay equal pay for equal work minimum of the pay scale of regularly engaged government employees holding the same/corresponding post, even after discharging similar duties with responsibility by subjecting them for exploitative enslavement at the hands of private agencies by not converting into contract basis as per letter vide his letter Rc.No.A2/1291/2009, dated 18.10.2019, in vacant sanctioned posts through uniform policy amounts to violation of principles of natural justice, equity, fair play which is unconstitutional, unjust, unfair, totally arbitrary, discriminatory on the part of the respondents and prays to direct the respondents herein to pay the Equal Pay for Equal Work to these petitioners in the minimum time scale of pay of regularly engaged Government employees holding the same/corresponding post with usual allowance of D.A., H.R.A., and CCA from time to time in Revision Pay Scales since their initial appointing including 10th PRC Scales with arrears from time to time by converting them into contract basis to avoid exploitative of the petitioners by private agencies, as Government being model employer”

Heard Sri Ch.Ganesh, learned counsel for the petitioners, and the learned Government Pleader for Services-II.

It has been contended by the petitioners' counsel that the petitioners were initially engaged on outsourcing basis and ever since they have been discharging their duties to the satisfaction of their superiors and everyone concerned. The grievance of the petitioners is that the respondents are not following the principle of 'equal pay for equal work' in terms of the Judgment rendered by the Hon'ble Supreme Court reported in **STATE OF PUNJAB v. JAGJITH SINGH AND OTHERS**¹. Therefore, the Counsel for the petitioners submits that since the issue raised by the petitioners is squarely covered by the Judgment rendered by the Hon'ble Supreme Court, as stated supra, let a direction be issued to the respondents to pay *equal pay for equal work* and also extend Minimum Time Scale of Pay to the petitioners duly converting them from outsourcing to that of contract basis.

Learned Government Pleader submits that if the petitioners submit a representation, the respondents would consider the same in view of the ratio laid down by the Hon'ble Supreme Court in **Jagjith Singh (supra)** and pass appropriate orders in accordance with law.

¹ 2017 SCC (1) 148

Having regard to the rival submissions made by the parties, this Court is of the considered view that the Writ Petition can be disposed of directing the petitioners to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this Order and upon such a representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law and the ratio laid down by the Hon'ble Supreme Court in **Jagjith Singh (supra)**, within a period of three months thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

05.07.2019
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