

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION No.47684 of 2018

ORDER:

When the matter is taken up for hearing, learned counsel for petitioners submitted that though the petitioners are discharging duties of regular lecturers, the respondents are not paying minimum time scale of pay attached to the post of Junior Lecturer and contended that the issue raised in this writ petition is squarely covered by the judgment rendered by this Court in *P.KHADAR BASHA AND OTHERS Vs. STATE OF ANDHRA PRADESH AND OTHERS*¹, whereunder it is held as follows:-

“In the light of the above discussion, we are of the opinion that as the petitioners have been extended the minimum time scale, they are entitled to addition of increments from time to time in the minimum time scale without being entitled to all other allowances which a regular employee is entitled.”

Learned counsel for petitioners further submitted that the Hon'ble Supreme Court in *STATE OF PUNJAB AND OTHERS Vs. JAGJIT SINGH AND OTHERS*² held as under :-

Having traversed the legal parameters with reference to the application of the principle of “equal pay for equal work”, in relation to temporary employees (daily-wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and the like), the sole factor that requires our determination is, whether the employees concerned (before this Court), were rendering similar duties and responsibilities as were being discharged by regular employees holding the same/ corresponding posts. This exercise would require the application of the parameters of the principle of “equal pay for equal work” summarised by us in para 42 above. However, insofar as

¹ 2017 (6) ALD 638 (DB)

² (2017) 1 Supreme Court Cases 148

the instant aspect of the matter is concerned, it is not difficult for us to record the factual position. We say so, because it was fairly acknowledged by the learned counsel representing the State of Punjab, that all the temporary employees in the present bunch of appeals were appointed against posts which were also available in the regular cadre/ establishment. It was also accepted that during the course of their employment, the temporary employees concerned were being randomly deputed to discharge duties and responsibilities which at some point in time were assigned to regular employees. Likewise, regular employees holding substantive posts were also posted to discharge the same work which was assigned to temporary employees from time to time. There is, therefore, no room for any doubt, that the duties and responsibilities discharged by the temporary employees in the present set of appeals were the same as were being discharged by regular employees. It is not the case of the appellants, that the respondent employees did not possess the qualifications prescribed for appointment on regular basis. Furthermore, it is not the case of the State that any of the temporary employees would not be entitled to pay parity on any of the principles summarised by us in para 42 hereinabove. There can be no doubt, that the principle of “equal pay for equal work” would be applicable to all the temporary employees concerned, so as to vest in them the right to claim wages on a par with the minimum of the pay scale of regularly engaged government employees holding the same post.”

Therefore, appropriate orders be passed directing the respondents to pay minimum time scale of pay to the petitioners.

Learned Standing Counsel appearing for respondents has not disputed the said submission made by the learned counsel for petitioners.

This Court, having considered the rival submissions, is of the considered view that the petitioners are entitled for grant of time

scale of pay attached to the post of Junior Lecturer in terms of the decisions referred supra.

Hence, this writ petition is disposed of directing the respondents to extend the minimum time scale of pay to the petitioners attached to the post of Junior Lecturer in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

04-01-2019
Prv

ABHINAND KUMAR SHAVIL, J



