

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.676 of 2020

ORDER

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the entire action of the respondents in not extending the benefit of time scale of pay and annual grade increments to the petitioner, while extending to other similarly situated employees even though the petitioner herein is doing similar work and discharging similar functions as those of regularly employed persons in the respondent organization is as highly illegal, arbitrary, unjust, improper, colourable exercise of power, discriminatory and violative of all principles of natural justice, apart from contrary to judgment of this Hon'ble Court dt.23.8.2018 and W.P.No.5556 of 2018 and consequently to direct the respondents to extend the benefit of minimum time scale of pay attached to the post and also annual grade increments to the petitioner herein like other similarly situated employees, whose favour, issued orders vide procs.No.A1/1024/2003-2018 dt.21.4.2019 by the 1st respondent as well as by duly taking into consideration of law laid down by Division Bench of this Hon'ble Court in W.P.Nos.5556/2018 and batch dated 23.8.2018 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri S.Satyanarayana Rao, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that he is working as NMR worker with the respondents and the respondents are not paying minimum time scale of pay attached to the said post where as the same benefit is extended to the persons, who are similarly situated persons *vide* proceedings dated 01.11.2008. In view of the law laid down by the Apex Court in *State of Punjab and others vs. Jagjit Singh and others*¹, the respondents are bound to pay equal pay for equal work. But the respondents are not paying the same.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to extend the benefit of equal pay for equal work to the petitioner also in view of the law laid down by the Apex Court in *State of Punjab and others vs. Jagjit Singh and others*.

Learned Government Pleader appearing for the respondents contended that the case of the petitioner would be considered in terms of the law laid down by the Apex Court in *State of Punjab and others vs. Jagjit Singh and others* and appropriate orders would be passed, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that

¹ 2007(1) SCC 148

this Writ Petition can be disposed of directing the respondents to consider the case of the petitioner for extending the minimum time scale of pay attached to the post in terms of the law laid down by the Apex Court in *State of Punjab and others vs. Jagjit Singh and others* and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

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

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 09.01.2020
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