HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 12563/2020

1. Champa Lal S/o Shri Valma, Aged About 46 Years, R/o Mali Gatroad, Post-Amliya, Panchayat Samiti- Anandpuri, District Banswara (Raj.).
2. Nirmala Devi W/o Shri Bharat Lal Pargi, Aged About 29 Years, R/o Mali Gatroad, Amliya Ambadara, Panchayat Samiti-Anandpuri, District Banswara (Raj.).
3. Badi Devi W/o Shri Rajendra Kumar, Aged About 42 Years, R/o Gatroad, Amliya Ambadara, Panchayat Samiti-Anandpuri, District Banswara (Raj.).
4. Rajendra Kumar S/o Shri Dhanraj, Aged About 39 Years, R/o Gatroad, Amliya Ambadara, Panchayat Samiti-Anandpuri, District Banswara (Raj.).
5. Heera Lal Garasiya S/o Shri Nanak Ram Garasiya, Aged About 49 Years, R/o Village/post- Maina Padar, Tehsil Anandpuri, District Banswara (Raj.).
6. Gulab Singh Pargi S/o Shri Lalaji Pargi, Aged About 44 Years, R/o Village Patanvagra, Poat Maina Padar, Tehsil Anandpuri, District Banswara (Raj.).
7. Prabhu Lal Damor S/o Shri Mohan Lal Damor, Aged About 35 Years, R/o Seranagla, Post Tamtiya, Tehsil Anandpuri, District Banswara (Raj.).
8. Surta Devi W/o Shri Prabhu Lal Damore, Aged About 30 Years, R/o Seranagala, Post Tamtiya, Tehsil Anandpuri, District Banswara (Raj.).
9. Manjula Paragi D/o Shri Shankar Lal Paragi, Aged About 25 Years, R/o Village Navagara, Post Maina Padar, Tehsil Anandpuri, District Banswara (Raj.).
10. Ishwar Lal Damore S/o Shri Velji Damor, Aged About 38 Years, R/o Village And Post- Maina Padar, Tehsil Anandpuri, District Banswara (Raj.).
11. Naresh Kumar S/o Shri Surmal Patel, Aged About 34 Years, R/o Khunta Pharki, Tehsil Anandpuri, District Banswara (Raj.).
12. Lalita W/o Shri Nikalesh Kumar Patel, Aged About 38 Years, R/o Khunta Pharki, Tehsil Anandpuri, District Banswara (Raj.).

13. Sumitra Devi W/o Shri Panna Lal Pargi, Aged About 23 Years, R/o Nichli Vareth, Post Vareth, Tehsil Anandpuri, District Banswara (Raj.).

14. Panna Lal Pargi S/o Shri Gaja Ji Pargi, Aged About 32 Years, R/o Nichli Vareth, Post Vareth, Tehsil Anadpuri, District Banswara (Raj.).

15. Dhanraj Pandor S/o Shri Kaliya Ji Pandor, Aged About 32 Years, R/o Juni Timbi, Post Falwa, Tehsil Anandpuri, District Banswara (Raj.).

16. Pravin Kumar Damor S/o Hira Lal Damor, Aged About 36 Years, R/o Anandpuri, Tehsil Anandpuri, District Banswara (Raj.).

17. Bharat Singh Pargi S/o Shri Badami Lal Pargi, Aged About 22 Years, R/o Maina Padar, Tehsil Anandpuri, District Banswara (Raj.).

18. Laxmi W/o Shri Kailash Chandra, Aged About 28 Years, R/o Dalpura, Post Bhaler Bhodar, Tehsil Anandpuri, District Banswara (Raj.).

19. Laxmi Kumari D/o Shri Dinesh Chandra, Aged About 22 Years, R/o Village Tori, Post Kajaliya, Tehsil Anandpuri, Banswara (Raj.).

----Petitioners

Versus

1. The State Of Rajasthan, Through The Secretary, Tribal Area Development Department, Rajasthan, Jaipur (Raj.).

2. The Director, Swach Project, Udaipur (Raj.).

3. The Commissioner, Tribal Area Development Department And President, Swach, Udaipur (Raj.).

4. The Block Elementary Education Officer, Panchayat Samiti Anandpuri District Banswara (Raj.).

5. The Project Officer, Swach Project, Banswara (Raj.).

----Respondents

For Petitioner(s) : Mr. Ravindra Singh, through Cisco Webex App

For Respondent(s) :

JUSTICE DINESH MEHTA

Order

01/12/2020

1. This writ petition has been filed by petitioners seeking reliefs as indicated in the writ petition.

2. Learned counsel for the petitioners prayed that their representation may be considered by the respondents in light of the judgment passed by the Hon'ble Apex Court in the matter of State of Punjab & Ors. Vs. Jagjit Singh & Ors. reported in[(2017) 1 Supreme Court Cases 148]. The relevant portion of the judgment reads as under:

> "60. 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 or that requires our determination is, whether the concerned employees (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' summarized by us in paragraph 42 above. However, insofar as 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 concerned temporary employees 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 summarized by us in paragraph 42 hereinabove. There can be no doubt, that the principle of 'equal pay for equal work' would be applicable to all the concerned temporary employees, so as to vest in them the right to claim wages, at par with the minimum of the pay-scale of regularly engaged Government employees, holding the same post.
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> 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."

3. Consequently, the present writ petition is disposed of with direction to the respondents to consider the representation of the petitioners in terms of aforesaid judgment. The needful be done within a period of 60 days from today.

4. The stay application is also disposed of.

(DINESH MEHTA),J

60-skm/-

RAJASTHAN HIGH COURT
सत्यमेव जयते