

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4197 of 2017**

1. Santosh Kumar Kainan S/o Late Latelram Kainan, Aged About 36 Years R/o Ward No. 10, Datha Bodri, Tehsil Bilha, Thana And Post Chakarbhata, District Bilaspur, Chhattisgarh., Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Naya Raipur Mantralay, Mahanadi Bhavan, Raipur, Chhattisgarh., Chhattisgarh
2. Superintendent Engineer, Public Works Department, Bilaspur, Division Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Executive Engineer, Public Works Department, Bilaspur, Division Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh **---- Respondents**

For Petitioner	:	Mr. S. P. Kale, Advocate
For State	:	Mr. Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07.09.2021**

1. The present is a second round of litigation. The earlier round of litigation was WPS 771/2017 which was disposed of by this Court on 15.02.2017
2. The relief sought in the first round of litigation was for grant of regular pay scale to the petitioner at par with the regular employees of the State Govt. from the date of the petitioner being appointed on compassionate basis. According to the petitioner, he had filed the writ petition claiming for equal pay for equal work based upon the judgment of the Supreme Court in the case of State of Punjab & another Vs. Jagjit Singh and others reported in 2017 (1) SCC 148.
3. Though this Court had disposed of the petition in respect of the claim for equal pay for equal work, the authorities concerned seem to have decided the claim of the petitioner considering the same to be a claim

for regularization and have rejected the claim of the petitioner vide Annexure P-1 whereas the petitioner has never claimed for regularization. The order passed by the authorities concerned vide Annexure P-1 seems to be in an entirely different context unrelated to the claim raised by the petitioner.

4. Given the said facts, this Court is of the opinion that the impugned order Annexure P-1 would not be sustainable and the same deserves to be and is accordingly set aside. The matter stands remitted back to the respondents i.e. the office of the respondents 2 & 3 to take a fresh decision on the claim of the petitioner. It is ordered that the respondents while deciding the claim of the petitioner shall also take into consideration the observations of the Supreme Court in the case of Jagjit Singh (supra). Let an appropriate decision be taken at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
5. Counsel for the petitioner submits that similar benefits have been extended to similarly placed persons in the department. The authority concerned may also keep that in mind while deciding the claim of the petitioner.
6. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**