



W.P(MD)No.7733 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.7733 of 2019

Pandyan Grama Bank Workers Union,  
Regn No.457/VDR,  
Represented by its  
General Secretary,  
Mr.J.Mathavaraj,  
Pandyan Grama Bank,  
Soolakkarai,  
Virudhunagar – 626003.

... Petitioner

Vs

- 1.The Chairman,  
Pandyan Grama Bank,  
Administrative Office,  
Virudhunagar.
- 2.The Chairman,  
Tamil Nadu Grama Bank,  
No. 6, Yercaud Road,  
Hasthampatty,  
Salem 636 007.

...Respondents

(R2 is *suo motu* impleaded as per order of this Court in WP(MD) No.7733 of 2019 by BPJ)



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay minimum pay scales of regular employees to the office Assistants and office Attendants Annexed herewith employed on temporary basis in the Respondent Bank as laid down by the Honble Supreme Court in *State of Punjab and others vs. Jagjit Singh and others* reported in 2017(1) SCC 148.

For Petitioner : Ms.D.Geetha  
For Respondents : Mr.N.Dilip Kumar  
Standing Counsel

### **ORDER**

The petitioner /Pandyan Grama Bank Workers Union, Soolakkarai, representing the workers of Pandian Grama Bank has filed this writ petition in the year 2019, seeking a Mandamus, directing the respondents to fix minimum scale of pay to the Office Assistants and Office Attendants, those who are employed on temporary basis in the respondent bank, as that of regular employees, as directed by the Honourable Supreme Court in *State of Punjab and others Vs. Jagdish Singh and others* reported in *2017(1) SCC 148*.



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2.The case of the petitioner is that the petitioner Union was registered under the Tamil Nadu Registration of Trade Unions Act, 1926, before the Additional Registrar of Trade Unions, Madurai on 30.09.2015. There are 339 branches all over southern Tamil Nadu and 52 permanent messengers and 294 temporary messengers in the scale of pay 9560 + DA + HRA. The petitioner Union comprises of 522 members, including the temporary messengers. The minimum scale of pay fixed by the respondent Bank vide Circular No.PAD/30/2015-16, dated 29.08.2015 is not in consonance with the minimum scale of pay received by the regular messengers working in the respondent Banks. According to the petitioner, the regular messengers have received a salary of Rs.9560 + Rs.10,012/-(DA) + Rs.740/- (Special Pay) + Rs.717/- (HRA) + Rs.400/- (TA) per day and a sum of Rs.21,247/- as monthly salary. The grievance of the petitioner Union is that their services have been availed/utilized by the respondent Bank for the regular works as that of the regular employees, however, they have been paid at a lesser cost and



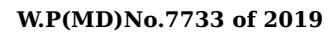
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therefore by referring the judgment of the Honourable Supreme Court in *State of Punjab and others Vs. Jagdish Singh and others* reported in **2017(1) SCC 148**, the members of the petitioner Union have submitted a representation to the then Pandian Grama Bank and filed this writ petition in the year 2019.

3.The learned Standing Counsel took notice for the respondents on 01.04.2019. Thereafter this writ petition was admitted on 21.04.2022. However, the respondents have not filed any counter affidavit so far. A request was made on behalf of the respondents for filing counter affidavit on 07.07.2023 and therefore, this Court has provided an opportunity to the respondents to file their Counter affidavit and this writ petition was adjourned to various dates on 03.12.2024, 06.12.2024 and on 16.12.2024.

4.Considering the relief sought for in this writ petition and several other writ petitions, which were filed for a Mandamus, have been listed for hearing before this Court on 08.11.2024,



5. Though this writ petition is pending from the year 2017, it has been listed for several hearings, the respondents have not taken any action on the request of the petitioner Union for minimum wages. The main contention of the petitioner's counsel is that the services of its members have been utilized by the Punjab State Bank, they have been paid with lesser pay and therefore, in violation of the dictum laid down by the Honourable Supreme Court in *State of Punjab and others Vs. Jagdish Singh and others* (2017(1) SCC 148), they have approached this Court.



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6.The Honourable Supreme Court in in ***State of Punjab and others Vs. Jagdish Singh and others*** reported in ***2017(1) SCC 148*** has held as follows: -

*“57. 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 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*



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*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.*

*58. 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."*



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7. The learned counsel appearing for the respondents has raised the following objections to this writ petition that

- i. The respondent Pandiyan Grama Bank is not in existence as of now that it was already merged with the Pallavan Grama Bank and both the Banks have now been termed as "Tamil Nadu Grama Bank."
- ii. Though the petitioners Union claims that that they are registered under the Tamil Nadu Registration of Trade Unions Act, 1926, they have not enclosed the list of members.
- iii. Some other Union representing the Pandyan Grama Bank has also filed an industrial dispute in ID No.39 of 2020, before the Central Government Industrial Tribunal at Chennai/Labour Court for regularization of their services and arrears of salary, which is still pending.
- iv. The members of the petitioner Union cannot be treated at par with the regular employees since the nature of work is different from category to category.



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v. According to the learned counsel, there are three categories of Office Assistants doing multi purpose bank works. Office attendants are doing menial works and casual workers are doing sanitation works and other works. Therefore, they cannot be treated at par with the office assistants.

8.This Court considered the rival submissions made and also perused the materials placed on record.

9.The petitioner Union is representing the temporary employees, working in the Pandian Grama Bank, Virudhunagar. Seeking minimum scale of pay as that of regular employees, they have filed this writ petition by referring to the decision of the Honourable Supreme Court in *State of Punjab and others Vs. Jagdish Singh and others* reported in *2017(1) SCC 148*. Now it is reported that this Pandian Grama Bank has been merged with



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Pallavan Grama Bank and both the banks have been termed as Tamil Nadu Grama Bank. Therefore, **this Court suo motu impleads "the Chairman, Tamil Nadu Grama Bank, No. 6, Yercaud Road, Hasthampatty, Salem 636 007"** as a respondent to this writ petition. The learned Standing Counsel representing the Pandian Grama Bank is also directed to take notice for the newly impleaded respondent as it is only a change in nomenclature.

10. The relief sought for in this writ petition is only for equal pay for equal work and this aspect has already been settled by the Honourable Supreme Court in *State of Punjab and others Vs. Jagdish Singh and others* reported in *2017(1) SCC 148*, as stated supra. As per Article 141 of Indian Constitution, the decision taken by the Honourable Supreme Court shall be binding on all courts and authorities within India and therefore, the respondents have to necessarily comply with the orders of the Honourable Supreme Court in strict sense. More over, the industrial dispute in ID No.39 of 2020, which is said to have been filed before the Central



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Government Industrial Tribunal at Chennai/Labour Court is with regard to the regularization of services. What is sought for in this writ petition is only for equal pay for equal work, irrespective of their cadre and nature of work. The respondents have to fix the salary of the employees of the petitioner Union, in accordance with their work as that of the salary paid to the regular employees.

11.In view of the above, this writ petition is allowed. The petitioner Union shall furnish the list of its members to the newly impleaded respondent, namely, Tamil Nadu Grama Bank, to enable them to fix the salary as directed by the Honourable Supreme Court stated supra. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

**16.12.2024**

NCC:Yes/No  
Index:Yes  
vrn



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**B.PUGALENDHI, J.**

vrn

**Order made in**  
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**16.12.2024**