Court No. - 6

Case :- WRIT - A No. - 11321 of 2024

Petitioner :- Arvind Kumar And 3 Others
Respondent :- State Of U.P. Thru. Prin. Secy. Horticulture Lko. And 2 Others
Counsel for Petitioner :- Mohd. Ateeq Khan
Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard learned counsel for petitioners and learned State Counsel appearing on behalf of opposite parties.

2. Petition has been filed seeking a direction to the opposite parties for payment of minimum of the pay scale of Class IV post to petitioners like other similarly situated daily wager working in the department.

3. It has been submitted that petitioners were engaged in the department on daily wage basis in year 2007 and are performing same function and duties as are being performed by other daily wager employees of the department of the same post as well as with the same timings and therefore are entitled for minimum of the pay scale on the principle of equal pay for equal work.

4. Learned counsel for petitioners has relied upon judgment passed by Hon'ble Supreme Court in the case of **Sabha Shankar Dube v. Divisional Forest Officer reported in AIR 2019 SC 220** to submit that petitioners are entitled for aforesaid benefit.

5. Considering aforesaid submissions advanced by learned counsel for parties and perusal of materiel on record, since consideration of petitioners' grievance would also entail factual aspects, liberty is granted to petitioners to file fresh representations before opposite party No.2 i.e. Director of Horticulture Evam Food Processing Department, Lucknow which shall be considered and decided by the said authority in the light of judgment rendered by Hon'ble Supreme Court in the case of Sabha Shankar Dube(supra) in case the same is applicable, within a period of six weeks from the date a copy of this order is produced before him.

6. In view of aforesaid observations / directions, the writ petition stands **disposed of**.

Order Date :- 28.11.2024
A. Verma

(Alok Mathur, J.)

Digitally signed by :-
ANURAG VERMA
High Court of Judicature at Allahabad,
Lucknow Bench