



**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-1442-2001(O&M)
Date of decision: 28.11.2025

Puran Chand

....Petitioner

Versus

Haryana Urban Development Authority

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gurnoor Singh Sethi, Advocate
for the petitioner.

Mr. Arvind Seth, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondent to regularise the petitioner and grant him regular pay scale of Accounts Assistant, by applying the doctrine of 'Equal Pay for Equal Work' as he has been working full time against a vacant post and discharging duties to those of his regular counterparts since his appointment.

CONTENTIONS

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as Accounts Assistant on daily wages with effect from 29.06.1994. The petitioner was allowed to continue in service and his tenure was extended from time to time as discernible from a letter dated 30.05.1996 (Annexure P-2). The respondent continues to extend the service of the



petitioner on consolidated monthly remuneration. The respondent has extracted full time work of perennial nature from the petitioner, at par with his regular counterparts. The working hours, qualification, quality and quantity of the work of the petitioner are similar to that of his regular co-employees. The petitioner has been working to the satisfaction of his superiors and as such, he is entitled to equal pay for equal work in view of the judgment rendered by a Division Bench of this Court passed in **CWP No.18835 of 1997** titled as '**Polu Ram Vs. State of Haryana**' decided on 17.04.1998. Further, the case of the petitioner is squarely covered by the judgment of the Hon'ble Apex Court in '**State of Haryana and another Vs. Ram Chander and another**' in (1997) 5 SCC 253. Learned counsel also informs this Court that the petitioner was regularised during the pendency of the present petition. As such, the prayer of the petitioner regarding regularisation has been rendered infructuous. However, the second prayer of the petitioner regarding equal pay for equal work and counting his past service in terms of the judgment rendered by the Division Bench of this Court in '**Harbans Lal Vs. The State of Punjab and others**' 2012 (3) SCT 362, deserves acceptance.

3. He further contends that the petitioner fulfils the requisite qualifications i.e. B.Com. and Hindi upto Matric. Since his initial appointment in the year 1994, he has rendered continuous service and is therefore he is entitled to the benefit of equal pay for equal work in terms of the judgment rendered by the Hon'ble Supreme Court in '**State of Punjab and others Vs. Jagjit Singh and others**' 2016 (4) SCT 641.

4. Learned counsel for the respondent-Corporation is not in a position to deny the factual matrix of the case and the factum of his



regularisation owing to his continuous service since the year 1994. However, he submits that the petitioner voluntarily accepted the job and was well aware of its terms and conditions. If the petitioner did not agree with the same, he could have decided to not accept the same. He also places reliance on the judgment of the Hon'ble Supreme Court in '*State of Haryana and another Vs. Tilak Raj and others*' (2003) 6 SCC 123 wherein, the Hon'ble Supreme Court has denied the parity for employment on the principle of Equal Pay for Equal Work to daily wage employees.

5. Learned counsel for the petitioner controverts the arguments put forth by learned counsel for the respondent and submits that the reliance placed on *Tilak Raj's case (supra)* is totally misplaced as the facts of the present case are distinguishable. In fact, the Hon'ble Supreme Court in *Tilak Raj's case (supra)* has held that the applicability of the principle of Equal Pay for Equal Work requires complete and wholesale identity between a group of employees claiming identical pay scales and the other group, who have already earned such pay scales. It only states that it is for the claimant to substantiate a clear cut basis of equivalence with the latter.

OBSERVATIONS AND ANALYSIS

6. Having heard learned counsel for the parties and on perusal of the record with their able assistance, it transpires that the petitioner was drawing a fixed salary, whereas, he was working against a regular vacancy carrying regular pay scale. The petitioner has rendered full time service since his appointment and has been performing identical duties, qualitatively and quantitatively, to his regular counterparts. As such, he is entitled to the full salary and pay scale as granted to others working at the post of Accounts



Assistant. Further, a two-Judge bench of the Hon'ble Apex Court in '***State of Haryana and another Vs. Ram Chander and another***' 1997 (5) S.C.C. 253, has considered the issue of principle of Equal Pay for Equal Work and speaking through Justice S.B. Majumdar, the following was held:

“7. Having given our anxious consideration to these rival contentions we find that before a set of employees can claim parity of pay scales on the principles of 'Equal Pay for Equal Work' it has to be shown by such claimants that qualitatively and quantitatively the work which they do is of the same type and nature as that of their counterparts whose pay scales are pressed in service for getting the parity. Not only that but even educational qualifications must be identical.”

7. Learned counsel for the respondent has been unable to indicate how the nature of duties discharged by the petitioner are distinct from those discharged by his regular counterparts. It is not the case of the respondent that some material differences exist between the service of the petitioner and his regular counterparts, however, it has only been emphasised that the petitioner was aware of the terms of service, which were clearly encapsulated in the agreement governing the same. While the petitioner may have joined service on daily wage basis, it remains a fact that vacancies with respect to regular posts of Accounts Assistant were readily available. Further, the petitioner possesses a degree in B.Com and has studied Hindi till matric, which were the requisite qualifications for the regular post. Thus, the respondent cannot continue to indefinitely extract work that has a perennial nature and is qualitatively and quantitatively similar to that of other regular employees working at the same post, without appropriately remunerating him.

8. The doctrine of 'Equal Pay for Equal Work' is deeply rooted in the constitutional philosophy and reflects the values that the State stands for. While



Article 14 of the Constitution of India forbids arbitrary discrimination sans an intelligible differentia, Article 39(d) highlights the intention of the framers to provide equal pay for equal work, for men and women alike. The said provisions read as follows:

“Article 14- Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 39- Certain Principles of Policy to be Followed by the State

The State shall, in particular, direct its policy towards securing—

(d) that there is equal pay for equal work for both men and women;”

Certainly, Article 39(d) forms a part of Directive Principles of State Policy and is non-justiciable in itself, however, the doctrine of Equal Pay for Equal Work has been elevated into an enforceable constitutional right by means of Article 14 and 16, aided by the constitutional promise of social justice. A three-Judge bench of the Hon’ble Supreme Court in ***Randhir Singh Vs. Union of India 1982(1) SCC 618***, while speaking through Justice O. Chinnappa Reddy, made the following observations in this regard:

*“8. It is true that the principle of 'equal pay for equal work' is not expressly declared by our Constitution to be a fundamental right. But it certainly is a Constitutional goal. Article 39(d) of the Constitution proclaims 'equal pay for equal work for both men and women' as a Directive Principle of State Policy. 'Equal pay for equal work for both men and women' means equal pay for equal work for everyone and as between the sexes. Directive principles, as has been pointed out in some of the judgments of this Court have to be read into the fundamental rights as a matter of interpretation. **Article 14 of the Constitution enjoins the state not to deny any person equality before the law or the equal protection of the laws and Article 16 declares that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. These equality clauses of the Constitution must mean some thing to everyone.***



To the vast majority of the people the equality clauses of the Constitution would mean nothing if they are unconcerned with the work they do and the pay they get. To them the equality clauses will have some substance if equal work means equal pay. Whether the special procedure prescribed by a statute for trying alleged robber-barons and smuggler kings or for dealing with tax evaders is discriminatory, whether a particular Governmental policy in the matter of grant of licences or permits confers unfettered discretion on the Executive, whether the takeover of the empires of industrial tycoons is arbitrary and unconstitutional and other questions of like nature, leave the millions of people of this country untouched. Questions concerning wages and the like, mundane they may be, are yet matters of vital concern to them and it is there, if at all that the equality clauses of the Constitution have any significance to them. The preamble to the Constitution declares the solemn resolution of the people of India to constitute India into a Sovereign Socialist Democratic Republic. Again the word 'Socialist' must mean something. Even if it does not mean 'To each according to his need' , it must atleast mean 'equal pay for equal work'. The principle of 'equal pay for equal work' is expressly recognised by all socialist systems of law, e.g., Section 59 of the Hungarian Labour Code, para 2 of Section 111 of the Czechoslovak Code, Section 67 of the Bulgarian Code, Section 40 of the Code of the German Democratic Republic, para 2 of Section 33 of the Rumanian Code. Indeed this principle has been incorporated in several western labour codes too. Under provisions in Section 31(g.No. 2d) of Book 1 of the French Code du Travail, and according to Argentinean law, this principle must be applied to female workers in all collective bargaining agreements. In accordance with Section 3 of the Grundgesetz of the German Federal Republic, and clause 7, Section 123 of the Mexican Constitution, the principle is given universal significance (vide : International Labour Law by Istvan Szaszy p. 265). The preamble of the Constitution of the International Labour Organisation recognises the principle of 'equal remuneration for work of equal value' as constituting one of the means of achieving the improvement of conditions "involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled" . **Construing Articles 14 and 16 in the light of the Preamble and Article 39(d) we are of the view that the principle 'Equal pay for Equal work' is deducible from those Article and may be properly applied to cases of unequal scales of pay based on no classification or irrational classification though these drawing the different scales of pay do identical work under the same employer."**

(emphasis added)



9. Thus, allowing a State employer to pay unequal wages for identical work would essentially amount to validating whimsical discrimination which would force vulnerable workers into involuntary submission, compelling them to choose between survival and self-respect. Such affront to human dignity is unacceptable being in direct violation of Articles 14 and 21. For any classification to be acceptable, an intelligible differentia and a rational nexus to its object must be clearly made out. In absence of the same, such conduct is plainly exploitative, which is especially deplorable in a welfare State like ours. The importance of providing pay that is proportional to the work, even for temporary employees, was also emphasised by the judgment rendered by a two Judge bench of the Hon'ble Supreme Court in ***Sabha Shanker Dube Vs. Divisional Forest Officer & Ors 2018 INSC 1055***, wherein, while speaking through Justice L. Nageswara Rao, the following was opined:

*“10. The issue that was considered by this Court in Jagjit Singh (supra) is whether temporary employees (daily wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and likewise) are entitled to the minimum of the regular pay scales on account of their performing the same duties which are discharged by those engaged on regular basis against the sanctioned posts. After considering several judgments including the judgments of this Court in Tilak Raj (supra) and Surjit Singh (supra), this Court held that **temporary employees are entitled to draw wages at the minimum of the pay scales which are applicable to the regular employees holding the same post.**”*

10. Furthermore, it is no longer *res integra* that the application of the doctrine of Equal Pay for Equal Work is strictly contingent upon the claimant successfully demonstrating that they are being paid less for the duties, functions, qualifications, responsibilities, and quantum of work they perform despite them being identical in nature and quality to the employees with whom



parity is sought. Once it is established that the similarity is not merely superficial but the claimant is substantially interchangeable with their better-paid counterparts with respect to performance of core functions of the post, the two sets of employees cannot be paid different wages regardless of whether they are ad-hoc, daily wage, temporary, contractual, or casual employees. Notably, there is no denial on part of the respondents that the petitioner in fact discharged same duties as that of regular Accounts Assistants. A two Judge Bench of the Hon'ble Apex Court in ***Tilak Raj's case (supra)***, speaking through Justice Arijit Pasayat, held as follows in this regard:

“11. "Equal pay for equal work" is a concept which requires for its applicability complete and wholesale identity between a group of employees claiming identical pay scales and the other group of employees who have already earned such pay scales. The problem about equal pay cannot always be translated into a mathematical formula.”

11. A two Judge Bench of the Hon'ble Supreme Court in ***State of Punjab Vs. Jagjit Singh 2017(1) SCC 148*** has discussed the applicability of the doctrine of Equal Pay for Equal Work *in extenso* and speaking through Justice Jagdish Singh Khehar, made the following observations,

“44. We shall first outline the conclusions drawn in cases where a claim for pay parity, raised at the hands of the concerned temporary employees, was accepted by this Court, by applying the principle of 'equal pay for equal work', with reference to regular employees:

*(i) In the **Dhirendra Chamoli** case this Court examined a claim for pay parity raised by temporary employees, for wages equal to those being disbursed to regular employees. The prayer was accepted. **The action of not paying the same wage, despite the work being the same, was considered as violative of Article 14 of the Constitution.** It was held that the action amounted to exploitation - in a welfare state committed to a socialist pattern of society.*



(ii) In the **Surinder Singh** case this Court held that the right of equal wages claimed by temporary employees emerged, inter alia, from Article 39 of the Constitution. The principle of 'equal pay for equal work' was again applied, where the subject employee had been appointed on temporary basis, and the reference employee was borne on the permanent establishment. The temporary employee was held entitled to wages drawn by an employee on the regular establishment. In this judgment, this Court also took note of the fact that the above proposition was affirmed by a Constitution Bench of this Court, in the **D.S. Nakara** case.

(iii) In the **Bhagwan Dass** case this Court recorded that **in a claim for equal wages, the duration for which an employee would remain (or had remained) engaged, would not make any difference. So also, the manner of selection and appointment would make no difference.** And therefore, whether the selection was made on the basis of open competition or was limited to a cluster of villages, was considered inconsequential, insofar as the applicability of the principle is concerned. **And likewise, whether the appointment was for a fixed limited duration (six months, or one year), or for an unlimited duration, was also considered inconsequential, insofar as the applicability of the principle of 'equal pay for equal work' is concerned.** It was held that the **claim for equal wages would be sustainable where an employee is required to discharge similar duties and responsibilities as regular employees, and the concerned employee possesses the qualifications prescribed for the post.** In the above case, this Court rejected the contention advanced on behalf of the Government that the plea of equal wages by the employees in question was not sustainable because the concerned employees were engaged in a temporary scheme, and against posts which were sanctioned on a year-to-year basis.

(iv) In the **Daily Rated Casual Labour Employed under P&T Department through Bhartiya Dak Tar Mazdoor Manch** case this Court held that under principle flowing from Article 38(2) of the Constitution, **Government could not deny a temporary employee at least the minimum wage being paid to an employee in the corresponding regular cadre, along with dearness allowance and additional dearness allowance, as well as all the other benefits which were being extended to casual workers.** It was also held that the classification of workers (as unskilled, semi-skilled and skilled), doing the same work, into different categories, for payment of wages at different rates, was not tenable. It was



also held that such an act of an employer would amount to exploitation, and further that the same would be arbitrary and discriminatory, and therefore violative of Articles 14 and 16 of the Constitution.

(v) In *State of Punjab v. Devinder Singh*, (1998) 9 SCC 595, this Court held that daily-wagers were entitled to be placed in the minimum of the pay-scale of regular employees, working against the same post. The above direction was issued after accepting that the concerned employees were doing the same work as regular incumbents holding the same post, by applying the principle of 'equal pay for equal work'.

(vi) In the *Secretary, State of Karnataka* case, a Constitution Bench of this Court set aside the judgment of the High Court, and directed that daily-wagers be paid salary equal to the lowest grade of salary and allowances being paid to regular employees. Importantly, in this case, this Court made a very important distinction between pay parity and regularisation. It was held that the concept of equality would not be applicable to issues of absorption/regularisation. But the concept was held as applicable, and was indeed applied, to the issue of pay parity - if the work component was the same. The judgment rendered by the High Court was modified by this Court, and the concerned daily-wage employees were directed to be paid wages equal to the salary at the lowest grade of the concerned cadre.

(vii) In *State of Haryana v. Charanjit Singh*, 2006 (3) S.C.T. 170 : (2006) 9 SCC 321, a three-Judge Bench of this Court held that the decisions rendered by this Court in *State of Haryana v. Jasmer Singh*, (1996) 11 SCC 77; *State of Haryana v. Tilak Raj*, 2003 (4) S.C.T. 485 : (2003) 6 SCC 123; the *Orissa University of Agriculture & Technology* case; and *Government of W.B. v. Tarun K. Roy*, 2004 (1) S.C.T. 78 : (2004) 1 SCC 347, laid down the correct law. Thereupon, this Court declared that if the concerned daily-wage employees could establish that they were performing equal work of equal quality, and all other relevant factors were fulfilled, a direction by a Court to pay such employees equal wages (from the date of filing the writ petition) would be justified.

(viii) In *State of U.P. v. Putti Lal*, (2006) 9 SCC 337, based on decisions in several cases (wherein the principle of 'equal pay for equal work' had been invoked), it was held that a daily-wager discharging similar duties as those engaged on regular basis,



would be entitled to draw his wages at the minimum of the pay-scale (drawn by his counterpart appointed on regular basis), but would not be entitled to any other allowances or increments.

(ix) In the Uttar Pradesh Land Development Corporation case this Court noticed that the respondents were employed on contract basis, on a consolidated salary. But, because they were actually appointed to perform the work of the post of Assistant Engineer, this Court directed the employer to pay the respondents wages in the minimum of the pay-scales ascribed for the post of Assistant Engineer.

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55. In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour. **An employee engaged for the same work, cannot be paid less than another, who performs the same duties and responsibilities. Certainly not, in a welfare state. Such an action besides being demeaning, strikes at the very foundation of human dignity. Any one, who is compelled to work at a lesser wage, does not do so voluntarily. He does so, to provide food and shelter to his family, at the cost of his self respect and dignity, at the cost of his self worth, and at the cost of his integrity.** For he knows, that his dependents would suffer immensely, if he does not accept the lesser wage. **Any act, of paying less wages, as compared to others similarly situate, constitutes an act of exploitative enslavement, emerging out of a domineering position.** Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation.”

(emphasis added)

CONCLUSION

12. This Court is of the considered opinion that it is incumbent upon the State to actively uphold the dignity of labour by curbing exploitative wage practices and thereby, provide the social and economic justice pledged by the Preamble. Any failure in this regard is not merely an administrative lapse but a profound breach of the State's duty to defend and sustain the basic tenets of fairness, dignity and equality. The values and ethics inherent in the Constitution *prima facie* proscribe creation of a subordinate, disadvantaged class of



employees who, despite performing identical duties under similar conditions, are denied commensurate remuneration. It is therefore imperative to ensure that the vice of arbitrariness does not infiltrate the well- respected domain of public employment, both to set the tone for other employers and to prevent undue harassment to the citizenry.

13. In view of the discussion above, this Court is satisfied that the duties and qualifications of the petitioner are identical to his regular counterparts. Therefore, there is no justification in their wages being dissimilar. Accordingly, the present petition is allowed. The respondent is directed to grant the minimum of the regular pay scale of the post of Accounts Assistant to the petitioner, along with all consequential benefits, including arrears, from the date of his appointment, within a period of 03 months from receipt of a certified copy of this order.

14. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.11.2025
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No