

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 4922 of 2019

Bipta Oraon, aged about 48 years, son of Late Thuma Oraon, resident of Near Indian Airlines Colony, Vasant Vihar, P.O. Vasant Vihar, P.S. Vasant Vihar, District Kapashera, New Delhi-110 057.. **Petitioner (s)**

Versus

1. The State of Jharkhand, through its Chief Secretary, having its office at Project Building, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi.
 2. Secretary, Personnel Training & Rajbhasa, Government of Jharkhand, having its Project Building, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi.
 3. Resident Commissioner, Government of Jharkhand, Jharkhand Bhawan, Room Nos. 15 to 17, Janpath, P.O. Janpath, P.S. Janpath, New Delhi.
 4. The Cabinet Secretariat and Vigilance Department, Government of Jharkhand through Principal Secretary having its office at Project Bhawan, Dhurwa, P.O. Dhurwa, P.S. Gagarnathpur, District-Ranchi, Jharkhand.
- Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Indrajit Sinha, Advocate
Mr. Arpan Mishra, Advocate
For the Resp.-State : Mr. Ashok Kumar, AAG-IV

C.A.V. ON: 06/01/2026

PRONOUNCED ON:16/02/2026

1. Heard learned counsel for the parties.
2. The instant writ petition has been preferred by the petitioner for a direction upon the respondents to forthwith grant the Grade Pay of Rs. 2400/- and upgrade the post of the petitioner from Lower Division Clerk to Upper Division Clerk with all consequential benefits. The petitioner has further prayed for a direction upon the

respondents to grant benefits of Grade Pay and substantive post as granted to the similarly situated employee namely Miss Manisha who was working in the office of the Resident Commissioner, Jharkhand Bhawan, Government of Jharkhand.

Brief Facts:-

3. On creation of the State of Jharkhand on 15.11.2000, a camp Office of the Chief Minister was established at New Delhi. Separate offices of the Resident Commissioner and the Chief Executive Officer were also established at Jharkhand Bhawan, New Delhi, to facilitate liaison between the State Government and the Central Government and to provide necessary infrastructure and facilities to the Governor, Chief Minister and other officers visiting Delhi for attending official meetings.

4. By a Resolution dated 28.07.2001, fourteen posts for the office of the Resident Commissioner, twenty-nine posts for Chief Executive Officer's Office and nine posts for the Camp Office of the Chief Minister were created. The Resolution was also published in the Extra-Ordinary Gazette. The posts were sanctioned and has been permanent. After sanctioned of the said posts, no regular appointment was made, but the appointments were made on contractual basis, though against the sanctioned vacant

posts.

5. An Advertisement dated 02.02.2005 was published in the English Daily Newspaper namely “Hindustan Times” and Hindi Daily Newspaper “Navbharat Times” (New Delhi Edition) the essential requirement for the posts which was advertised for contractual basis was English and Hindi Stenographer having word processing skills on a monthly consolidated remuneration of Rs. 5,000/-. The candidates shortlisted would be invited for Test/Interview. Pursuant to the Advertisement published on 02.02.2005, the petitioner has made an application and was issued a Call Letter dated 30.04.2005 by the Chief Administrative Officer, Jharkhand Bhawan, Government of Jharkhand.

6. The petitioner was requested to appear for Skill Test on 15.05.2005 in the office of the Resident Commissioner, Jharkhand Bhawan, Government of Jharkhand.

7. The Selection Committee requested the Director, Institute of Secretariat Training and Management, New Delhi (ISTM) to conduct the Skill Test for the applicants who had responded to the Advertisement. The Director, ISTM consented to conduct the Skill Test on 15.05.2005 at Jharkhand Bhawan and accordingly deputed Sri H. Govind,

Assistant Director to conduct the Skill Test. The Skill Test comprising of the test of Hindi/English Typewriting @ 25 (Hindi)/ 30 (English) word per minute over the computer and the test of Hindi/ English Stenography comprising shorthand test @ 80 word per minute and subsequent transcription over the computer took place in Jharkhand Bhawan on 15.05.2005. For the Skill Test out of 11 applicants only the following 5 attended: -

- i. Miss. Manisha
- ii. Ms. Indu Pandey
- iii. Mr. P. G. Anurag
- iv. Mr. Bipta Oraon (Petitioner)
- v. Mr. Amit Kumar

8. The Assistant Director, ISTM informed that he would require a couple of day to evaluate the test papers and compile final result and thereafter submit it to Jharkhand Bhawan, New Delhi and since, only 5 applicants had appeared for the Skill Test, it was decided by the Selection Committee to hold interview for all the five candidates. The Selection Committee on 15.05.2005, the individual assessment for each interviewed candidate was given by the Selection Committee which stands as follows:-

Sl. No.	Name	Marks out of total 20

i.	Ms. Manisha	14
ii.	Ms. Indu Pandey	14
iii.	Mr. P. G. Anurag	13
iv.	Mr. Bipta Oraon (Petitioner)	16
v.	Mr. Amit Kumar	11

9. The Assistant Director, ISTM submitted his final result in a sealed envelope on 18.05.2005.

As per the decision taken in the meeting chaired by Resident Commissioner, Jharkhand Bhawan on 31.01.2005 regarding appointment of Typist-cum-Data Entry Operators on contractual basis and as per the minutes of Selection Committee Meeting held on 29.04.2005 and as per the minutes of the interview meeting held by the Selection Committee on 15.05.2005, the Selection Committee again met in Jharkhand Bhawan on 28.05.2005 to consider the results of the skill test conducted by ISTM, Government of India and accordingly submitted its final recommendation for the appointment of Typist-cum-Data Entry Operators on contractual basis in the office of Resident Commissioner/ Chief Administrative Officer, Jharkhand Bhawan.

10. The result of the skill test as submitted in sealed envelope was open on 28.05.2005 before the Selection Committee. ISTM, Government of India after having

conducted the skill test comprising of the test of Hindi/English Typewriting @ 25 (Hindi)/30 (English) word per minute over the computer and the test of Hindi/English Stenography comprising Shorthand test @ 80 word per minute and subsequent transcription over the computer assessed each candidate and the consolidated result sheet (arranged by merit) as submitted by ISTM which stands as follows:-

Sl. No.	Name	Marks out of total 80
i.	Ms. Indu Pandey	21
ii.	Mr. Bipta Oraon (Petitioner)	18
iii.	Ms. Manisha	15
iv.	Mr. P. G. Anurag	14
v.	Mr. Amit Kumar	1

11. Based on the interview comprising of 20 marks and Skilled Test comprising of 80 Marks, the aggregate Merit List of the candidates are as follows:-

Sl. No.	Name	Marks of Interview out of Total	Marks of Skill Test out of Total 20	Total Marks
i.	Ms. Indu Pandey	14	21	35
ii.	Mr. Bipta Oraon	16	18	34

	(Petitioner)			
iii.	Miss. Manisha	14	15	29
iv.	Mr. P. G. Anurag	13	14	27
v.	Mr. Amit Kumar	11	1	12

12. In the light of Cabinet letter dated 28.07.2001 mentioning the sanctioned post in the office of the Resident Commissioner/ Chief Administrative Officer, Jharkhand Bhawan, there are two posts of Typist-cum-Data Entry Operators on contractual basis. The Selection Committee on the basis of the aforesaid Aggregate Merit List as indicated above decided to recommend in order of merit the petitioner and one Indu Pandey for the post of Typists-cum-Data Entry Operator, Hindi/English and further the Selection Committee decided that the third candidate namely Miss. Manisha may be kept in the waiting list.

13. A meeting was held on 02.06.2005 under the Chairmanship of Resident Commissioner, Jharkhand Government for appointment of Computer Data Entry Operator on contractual basis. In the meeting held on 02.06.2005 it was decided that the petitioner should be appointed on the sanctioned post of Typist-cum-Data Entry Operator in the office of Resident Commissioner as the petitioner was having knowledge in Hindi and English typing and Indu Pandey was appointed on the post of Typist-cum-Data Entry Operator in the office of Chief Administrative Officer. It was further decided in the meeting

that the candidate namely Miss Manisha who was kept in the waiting list may be appointed on the sanctioned post of Typist (having computer knowledge) on contractual basis for a payment of Rs. 5500/- as a monthly remuneration.

14. Petitioner was appointed on the post of Typist-cum-Computer Data Operator by the office of Chief Administrative Officer, Jharkhand Bhawan, New Delhi on 07.06.2005 on a monthly remuneration of Rs. 5500/-. Miss. Manisha was also appointed on the post of Typist (having computer knowledge) by office order dated 07.06.2005 issued by the Office of Chief Administrative Officer, Jharkhand Bhawan, New Delhi on a monthly remuneration of Rs. 5500/-. Both the appointment letters were issued on contractual basis.

15. A Writ petition bearing W.P.(S) No. 3973 of 2014 was filed by the petitioner, Miss. Manisha and other employees of Jharkhand Bhawan for regularization of their services on the posts on which they were appointed.

The fixed contract amounts fixation of contract employees of Jharkhand Bhawan, New Delhi as per the Finance Department, Government of Jharkhand Order dated 28.07.2015 (effective from 01.08.2015) which shows the designation of the petitioner and Miss. Manisha as Data Entry Operator and the Grade Pay payable as Rs. 2400/-.

Contention of the counsel for the petitioner:-

16. A certificate dated 14.12.2016 was issued by the Chief Administrative Officer, Jharkhand Bhawan,

Government of Jharkhand certifying the salary details of the petitioner which shows Grade Pay as Rs. 2400/-.

17. The writ petition bearing W.P.(S) No. 3973 of 2014 was allowed by an order dated 03.04.2017 and the respondents were directed to regularize the services of the petitioner and other persons. In the chart annexed in the order dated 03.04.2017 which set out the brief description of the petitioner employment, the nature of the post of the petitioner and Miss. Manisha has been mentioned as permanent.

18. A letter dated 28.09.2018 has been issued by the Office of the Chief Administrative Officer, Jharkhand Bhawan, Government of Jharkhand wherein the Grade Pay for the Data Entry Operator has been mentioned as Rs. 2400/-.

19. The services of the petitioner was regularized on the post of Typist-cum-Computer Data Entry Operator (Lower Division Clerk) in the pay scale of Rs. 5200-20200 with Grade Pay of Rs. 1900/-. The services of Miss. Manisha was regularized on the post of Typist (having knowledge of Computer) (Upper Division Clerk) in the Pay Scale of Rs. 5200-20200 with Grade Pay Rs. 2400/-.

20. A Circular dated 27.07.2023 has been issued by the Department of Finance, Government of Jharkhand with respect to recommendation for regularization of Data Entry Operator working in the Finance Department, Government of Jharkhand and the Grade Pay payable to the Data Entry

Operator would be Rs. 2400/-(Level-04).

Submission of the counsel for the respondent:-

21. The State Government has filed affidavit and has tried to justify their case by placing reliance on the Resolution dated 28.07.2001 which provides that Miss. Manisha was engaged on a permanent post and the petitioner was engaged on a contractual basis over a post which was sanctioned and was not having any fixed pay scale.

22. The petitioner made representation dated 17.12.2018 to the Department for grant of Grade pay of Rs. 2400/-and the representation of the petitioner was forwarded by the Chief Administrative Officer, Jharkhand Bhawan, Government of Jharkhand to the Joint Secretary, Department of Cabinet Secretariat and Vigilance, Government of Jharkhand on 04.01.2019.

Findings:-

23. From perusal of the pleadings made in the writ petition, Counter Affidavit and the rejoinder filed by the parties, I find that the petitioner and Miss. Manisha were appointed through same advertisement, qualification and selection process. The Advertisement required English and Hindi Stenographer having word processing skills on a contractual basis. The petitioner and Miss. Manisha applied for the said post. The selection was made on the basis of the aggregate marks obtained in the test in which the petitioner was at serial number 2, whereas Miss. Manisha

was placed in the waiting list. The total aggregate marks obtained by the petitioner was 34; whereas Miss. Manisha obtained 29 marks. The appointment letter of the petitioner mention about the designation of the post of the petitioner as Typist-cum-Computer Data Entry Operator; whereas the designation of the post of Miss. Manisha has been mentioned as Typist (having knowledge of computer). Both were appointed through common Advertisement having similar qualification. The petitioner and Miss. Manisha were discharging same duties which is evident from Office Order dated 07.01.2019 issued by the Chief Administrative Officer, Jharkhand Bhawan, Government of Jharkhand, which is annexed as Annexure-4 of the writ petition. The nature of duties assigned to the petitioner and Miss. Manisha was Typing work.

24. The petitioner and Miss. Manisha were working in the Grade Pay of Rs. 2400/- which is evident from the Certificate dated 14.12.2016 and the letter dated 28.09.2018 issued by the Chief Administrative Officer, Jharkhand Bhawan, Government of Jharkhand. Further the Finance Department, Government of Jharkhand, vide order dated 28.07.2015 (effective from 01.08.2015) clearly provides the designation of the post of the petitioner and Miss. Manisha as Data Entry Operator having Grade pay of Rs. 2400/-. The Certificate dated 14.12.2016, letter dated 28.09.2018 and Office Order dated 28.07.2015 are part of the documents annexed in the Rejoinder. Further, the

Department of Finance, Government of Jharkhand has regularized the services of the employees working on the post of Data Entry Operator in the pay scale of Rs. 5200-20200 with Grade pay of Rs. 2400/-. (Level-IV).

25. The Hon'ble Supreme Court of India in the case of *Randhir Singh Versus Union of India and Others* reported in 1982 (1) SCC 618 at para- 7 and 9 as follows:-

“Para-7:- Our attention was drawn to *Binoy Kumar Mukerjee v. Union of India* and *Makhan Singh v. Union of India*, where reference was made to the observations of this Court in *Kishori Mohanlal Bakshi v. Union of India* describing the principle of “equal pay for equal work” as an abstract doctrine which had nothing to do with Article 14. We shall presently point out how the principle, “equal pay for equal work”, is not an abstract doctrine but one of substance. *Kishori Mohanlal Bakshi v. Union of India* is not itself of any real assistance to us since what was decided there was that there could be different scales of pay for different grades of a service. It is well known that there can be and there are different grades in a service, with varying qualifications for entry into a particular grade, the higher grade often being a promotional avenue for officers of the lower grade. The higher qualifications for the higher grade, which may be either academic qualifications or experience based on length of service, reasonably sustain the classification of the officers into two grades with different scales of pay. The principle of “equal pay for equal work” would be an abstract doctrine not attracting Article 14 if sought to be applied to them.

Para-9:- There cannot be the slightest doubt that the drivers in the Delhi Police Force perform the same functions and duties as other drivers in service of the Delhi Administration and the Central Government. If anything, by reason of their investiture with the “powers, functions and privileges of a police officer”, their duties and responsibilities are more arduous. In answer to the allegation in the petition that the driver-constables of the Delhi Police Force perform no less arduous duties than drivers in other departments, it was admitted by the respondents in their counter that the duties of the driver-constables of the Delhi Police Force were onerous. What then is the reason for giving them a lower scale of pay than others? There is none. The only answer of the respondents is that the drivers of the Delhi Police Force and the other drivers belong to different departments and that the principle of “equal pay for equal work” is not a principle which the courts may recognise and act upon. We have shown that the answer is unsound. The clarification is irrational. We, therefore, allow the writ petition and direct the respondents to fix the scale of pay of the petitioner and the driver-constables of the Delhi Police Force at least on a par with that of the drivers of the Railway Protection Force. The scale of pay shall be effective from January 1, 1973, the date from which the recommendations of the Pay Commission were given effect.”

26. The Hon'ble Supreme Court of India in the case of *Grih Kalyan Kendra Workers' Union Versus Union of India and Others* reported in 1991 (1) SCC 619 at para- 6, 7 and 8 as follows:-

“Para-6:- Equal pay for equal work is not expressly declared by the Constitution as a fundamental right but in view of the Directive Principles of State Policy as contained in Article 39(d) of the Constitution “Equal pay for equal work” has assumed the status of fundamental right in service jurisprudence having regard to the constitutional mandate of equality in Articles 14 and 16 of the Constitution. Equal pay for equal work and providing security for service by regularising casual employment within a reasonable period has been accepted by this Court as a constitutional goal to our socialistic pattern. It has ceased to be a judge made law as it is the part of the constitutional philosophy which ensures a welfare socialistic pattern of a State providing equal opportunity to all and equal pay for equal work for similarly placed employees of the State. This Court has zealously enforced the fundamental right of equal pay for equal work in effectuating the constitutional goal of equality and social justice in a number of decisions. See: *Randhir Singh v. Union of India* ; *Daily Rated Casual Labour Employed under P&T Department v. Union of India* ; *Dhirendra Chamoli v. State of U.P.*; *Surinder Singh v. Engineer-in-Chief, CPWD* ; *R.D. Gupta v. Lt. Governor, Delhi Administration* ; *Bhagwan Dass v. State of Haryana* ; *Jaipal v. State of Haryana* ; *Dharwad District P.W.D. Literate Daily Wage Employees Association v. State of Karnataka*. Therefore, the principle of equal pay for equal work even in an establishment which is an instrumentality of a State is applicable to its full vigour.

Para-7:- The question then arises whether the respondents have practised discrimination in denying the employees of the Kendra pay which the Union of India has been paying to other similarly placed employees doing the same or similar work. This question is of primary importance which requires investigation of facts. Unless, it is demonstrated that the employees of the Grih Kalyan Kendra are discriminated in matters relating to pay and other emoluments with the other similarly placed employees, the principle of equal pay for equal work cannot be applied. While considering this question, it is not necessary to find out similarity by mathematics formula but there must be a reasonable similarity in the nature of work, performance of duties, the qualification and the quality of work performed by them. It is permissible to have classification in services based on hierarchy of posts, pay scale, value of work and responsibility and experience. The classification must, however, have a reasonable relation to the object sought to be achieved. In *Federation of All India Customs and Central Excise Stenographers v. Union of India*, Saybasachi Mukharji, J. (as he then was) observed: (SCC p. 100, para 7)

“...there may be qualitative difference as regards reliability and responsibility. Functions may be the same but the responsibilities make a difference. One cannot deny that often the difference is a matter of degree and that there is an element of value judgment by those who are charged with the administration in fixing the scales of pay and other conditions

of service. So long as such value judgment is made bona fide, reasonably on an intelligible criterion which has a rational nexus with the object of differentiation, such differentiation will not amount to discrimination. It is important to emphasise that equal pay for equal work is a concomitant of Article 14 of the Constitution. But it follows naturally that equal pay for unequal work will be a negation of that right.”

Elaborating the aforesaid observation the learned Judge further observed thus: (SCC pp. 104-05, para 11) “The same amount of physical work may entail different quality of work, some more sensitive, some requiring more tact, some less — it varies from nature and culture of employment. The problem about equal pay cannot always be translated into a mathematical formula. If it has a rational nexus with the object to be sought for, as reiterated before a certain amount of value judgment of the administrative authorities who are charged with fixing the pay scale has to be left with them and it cannot be interfered with by the court unless it is demonstrated that either it is irrational or based on no basis or arrived mala fide either in law or in fact.”

Para-8:- *The petitioners have referred to the scale of pay paid to the similar employees of NDMC and Delhi Development Authority under the Delhi Administration for the various employees to demonstrate that the employees of the Kendra are being discriminated as they are paid lower amount of salary although they perform the same duties and functions as performed by corresponding employees holding corresponding posts under the NDMC and Delhi Administration.”*

27. The Hon'ble Supreme Court of India in the case of **State of Punjab and Ors. Versus Jagjit Singh and Others** reported in **2017 (1) SCC 148** at para-42, 42.6, 44.1, 44.2, 44.6, 51.3, 57, 58 and 60 held as follows:-

“Para-42:- *All the judgments noticed in paras 7 to 24 hereinabove, pertain to employees engaged on regular basis, who were claiming higher wages, under the principle of “equal pay for equal work”. The claim raised by such employees was premised on the ground, that the duties and responsibilities rendered by them were against the same post for which a higher pay scale was being allowed in other government departments. Or alternatively, their duties and responsibilities were the same as of other posts with different designations, but they were placed in a lower scale. Having been painstakingly taken through the parameters laid down by this Court, wherein the principle of “equal pay for equal work” was invoked and considered, it would be just and appropriate to delineate the parameters laid down by this Court. In recording the said parameters, we have also adverted to some other judgments pertaining to temporary employees (also dealt with, in the instant judgment), wherein also, this Court had the occasion to express the legal position with reference to the principle of “equal pay for equal work”. Our consideration, has led us to the following deductions:*

Para-42.6:- For placement in a regular pay scale, the claimant has to be a regular appointee. The claimant should have been selected on the basis of a regular process of recruitment. An employee appointed on a temporary basis cannot claim to be placed in the regular pay scale (see Orissa University of Agriculture & Technology case).

Para-44.1:- In 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.

Para-44.2:- In 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 D.S. Nakara case.

Para-44.6:- In 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 -22- 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 daily-wage employees concerned were directed to be paid wages equal to the salary at the lowest grade of the cadre concerned.

Para-51.3:- For all the above reasons, we are of the view that the claim of the temporary employees for minimum wages on a par with regularly engaged government employees cannot be declined on the basis of the judgment in State of Punjab v. Surjit Singh.

Para-57:- There is no room for any doubt that the principle of “equal pay for equal work” has emerged from an interpretation of different provisions of the Constitution. The principle has been expounded through a large number of judgments rendered by this Court, and constitutes law declared by this Court. The same is binding on all the courts in India under Article 141 of the Constitution of India. The parameters of the principle have been summarised by us in para 42 hereinabove. The principle of “equal pay for equal work” has also been extended to temporary employees (differently described as work-charge, daily wage, casual, ad hoc, contractual, and the like). The legal position, relating to temporary employees has been summarised by us, in para 44 hereinabove. The above legal position which has been repeatedly declared, is being reiterated by us yet again.

Para-58:- 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. Anyone, 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 selfrespect and dignity, at the cost of his self-worth, and at the cost of his integrity. For he knows that his dependants 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.

Para-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 that requires our determination is, whether the employees concerned (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” summarised by us in para 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 temporary employees concerned 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 summarised by us in para 42 hereinabove. There can be no doubt, that the principle of “equal pay for equal work” would be applicable to all the temporary employees concerned, so as to vest in them the right to claim wages on a par with the minimum of the pay scale of regularly engaged government employees holding the same post.”*

28. Thus, from the documents available on record, pleadings and judgments passed by the Hon'ble Supreme Court of India, the act of the respondents by not granting Grade pay of Rs. 2400/- to the petitioner is violative of Article 14 and 16 of the Constitution of India and accordingly, this Court holds that the Petitioner is entitled for the relief as claimed.

Consequently, the respondents are expected to grant/ fix the Grade Pay of Rs. 2400/- to the petitioner within a period of 8 weeks from the date of receipt/production of the order. After fixation of the Grade pay of the petitioner the arrears shall be released within a period of 16 weeks.

29. Accordingly, the writ petition stands allowed in the manner indicated hereinabove. Pending IAs, if any, are closed.

(Deepak Roshan, J.)

Dated:16/02/2026
Amardeep/
N.A.F.R

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