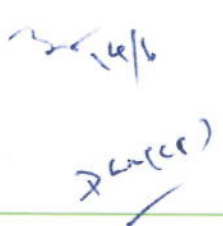


**RTI REQUEST DETAILS**

<b>Registration No. :</b>	PGCIL/R /2017/50295	<b>Date of Receipt :</b>	12/06/2017
<b>Type of Receipt :</b>	Online Receipt	<b>Language of Request :</b>	English
<b>Name :</b>	parijat patel	<b>Gender :</b>	Female
<b>Address :</b>	parijat patel, plot 120 121 third floor pocket 18, sector 24 rohini, Pin:110085		
<b>State :</b>	Delhi	<b>Country :</b>	India
<b>Phone No. :</b>	Details not provided	<b>Mobile No. :</b>	+91-7905089027
<b>Email :</b>	parijat.patel05@gmail.com		
<b>Status(Rural/Urban) :</b>	Urban	<b>Education Status :</b>	Above Graduate
<b>Is Requester Below Poverty Line ? :</b>	No	<b>Citizenship Status</b>	Indian
<b>Amount Paid :</b>	10 )	<b>Mode of Payment</b>	Payment Gateway
<b>Request Pertains to :</b>			
<b>Information Sought :</b>	<p>SUB: EQUAL PAY FOR EQUAL GRADE OF WORK AND REGARDING VACANCY</p> <p>1) ACCORDING TO SUPREME COURT ORDER ISSUED ON 26TH OCTOBER 2016 REGARDING EQUAL PAY FOR EQUAL GRADE OF WORK, EVERY EMPLOYEE IN AN ORGANISATION ARE LIABLE TO GET EQUAL PAY FOR EQUAL WORK WHETHER ON CONTRACT OR ON TEMPORARY BASIS .</p> <p>DOES THIS GUIDELINES ARE FOLLOWED BY THE ORGANISATION OR NOT. WHETHER EMPLOYEES ARE GETTING THE SAME BENEFIT OR NOT BEING AN EMPLOYEE IN THE ORGANISATION. AND IF YES, WHAT ARE THE BENEFIT THAT AN EMPLOYEE ARE ENTITLED WITH, IN COMPARISON TO PERMANENT OR REGULAR EMPLOYEES.</p> <p>2) IN TERMS OF ACCELERATED CAREER GROWTH SCHEME ( ACGS ) CIRCULAR NO. 638/2017 DATE ON 08-06-2016, VACANCIES CAN BE FULL FILLED BY PERMANENT OR REGULAR EMPLOYEE AS IT IS NOT MENTIONED CLEARLY. CONTRACT OR FTB ( FIXED TENURE BASIS) EMPLOYEES CAN ALSO FILL THE FORM AS THEY ARE ELIGIBLE FOR THE SAME DESIGNATION AS COMPARED TO REGULAR EMPLOYEES .</p> <p>please find the attachment below.</p>		
		<input type="button" value="Print"/> <input type="button" value="Save"/> <input type="button" value="Close"/>	

## JUDGMENT:

Analyzing in length the principles laid down by various courts, the SC observed that the issue at hand necessitated a bird's eye view on the underlying ingredients which govern the principle of 'equal pay for equal work'. The principle has been extensively deliberated in a catena of decisions. In order to make the determination, the SC examined (i) the situations where the principle was extended to employees engaged on permanent basis and thereafter (ii) the situations in which the principle was extended/declined to different categories of temporary employees. Accordingly, various principles have been discerned and distinguished by the SC. Analyzing claims by temporary employees under the principle, the SC observed:

1. Not paying the same wages, despite the work being the same, is violative of Article 14<sup>5</sup> of the Constitution of India ("Constitution") and amounts to exploitation in a welfare state committed to a socialist pattern of society<sup>6</sup>.
2. The right of equal wages claimed by temporary employees emerges, *inter alia*, from Article 39<sup>7</sup> of the Constitution<sup>8</sup>.
3. The claim for equal wages would be sustainable where an employee is required to discharge similar duties and responsibilities as permanent employees and the concerned employee possesses the qualifications prescribed for the particular post.
4. In a claim for equal wages, the duration for which an employee remains or has remained engaged, the manner of selection/appointment etc. would be inconsequential, insofar as the applicability of the principle is concerned<sup>9</sup>.
5. Based on the principle flowing from Article 38(2)<sup>10</sup> of the Constitution, the Government cannot deny a temporary employee at least the minimum wage being paid to an employee in the corresponding regular cadre, alongwith dearness allowance and additional dearness allowance, as well as all other benefits which are being extended to casual workers.
6. The classification of workers (as unskilled, semi-skilled and skilled), doing the same work, into different categories, for payment of wages at different rates is not tenable. Such an act of the employer would amount to exploitation and shall be arbitrary and discriminatory, and therefore, violative of Articles 14 and 16<sup>11</sup> of the Constitution<sup>12</sup>.
7. If daily-wage employees can establish that they are performing equal work of equal quality, and that all the other relevant factors are fulfilled, a direction by a court to pay such employees equal wages (from the date of filing the writ petition), would be justified<sup>13</sup>.

The SC observed that an employee engaged for the same work cannot be paid less than another who performs the same duties and responsibilities and 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/she does so to provide food and shelter to his/her family, at the cost of his/her self-respect and dignity, at the cost of his/her self-worth, and at the cost of his/her integrity. Any act of paying less wages as compared to others similarly situated, 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. The SC further observed that India being a signatory to the International Covenant on Economic, Social and Cultural Rights, 1966, there is no escape from the obligations there under in view of the different provisions of the Constitution. Thus, the principle of 'equal pay for equal work' constitutes a clear and unambiguous right and is vested in every employee, whether engaged on a permanent or temporary basis.

Accordingly, the SC set aside the decisions rendered by the full judge bench of the P&H High Court in *Avtar Singh v. State of Punjab & Ors.* and the division bench in *State of Punjab & Ors. V. Rajinder Singh* while the decision of the division bench in *State of Punjab & Ors. v. Rajinder Kumar* was upheld, subject to the modification that the concerned employees would be entitled to the minimum of the pay-scale of the category to which they belong but would not be entitled to allowances attached to the posts held by them.

**RTI REQUEST DETAILS**

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<b>Type of Receipt :</b>	Online Receipt	<b>Language of Request :</b>	English
<b>Name :</b>	PARIJAT PATEL	<b>Gender :</b>	Female
<b>Address :</b>	PARIJAT PATEL, PLOT -120-121 POCKET -18, SECTOR-24 THIRD FLOOR ROHINI, Pin:110085		
<b>State :</b>	Delhi	<b>Country :</b>	India
<b>Phone No. :</b>	Details not provided	<b>Mobile No. :</b>	+91-9670875855
<b>Email :</b>	parijat.patel05@gmail.com		
<b>Status(Rural/Urban) :</b>	Urban	<b>Education Status :</b>	Above Graduate
<b>Is Requester Below Poverty Line ? :</b>	No	<b>Citizenship Status</b>	Indian
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	<a href="#">Print</a>	<a href="#">Save</a>	<a href="#">Close</a>

20/14/16

D.K. (C-1)

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