



2026:AHC-LKO:22017

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 2639 of 2026

Harishchandra Srivastava

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Forest
Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Shailendra Singh Chauhan, Maneesh Singh
Counsel for Respondent(s) : C.S.C.

Court No. - 18

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent State.

Learned counsel for the petitioner has submitted that a direction may be issued to the respondents to pay the minimum of the pay scale as it has been given to the similarly situated person, namely, Pawan Kumar Singh from 16.01.2023.

Learned counsel for the petitioner has also placed reliance upon the judgement of Hon'ble Supreme Court in the case of Sabha Shanker Dube vs. Divisional Forest Officer reported in 2019 (37) LCD 319. The relevant paragraphs no.9, 10, 11, and 13 are quoted hereinbelow:

"On a comprehensive consideration of the entire law on the subject of parity of pay scales on the principle of equal pay for equal work, this Court in Jagjit Singh (supra) held as follows:-

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 self-respect 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."

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.

11. In view of the judgment in Jagjit Singh (supra), we are unable to uphold the view of the High Court that the Appellants-herein are not entitled to be paid the minimum of the pay sales. We are not called upon to adjudicate on the rights of the Appellants relating to the regularization of their services. We are concerned only with the principle laid down by this Court initially in Putti Lal (supra) relating to persons who are similarly situate.

13. For the aforementioned reasons, we allow these Appeals and set aside the judgments of the High Court holding that the Appellants are entitled to be paid the minimum of the pay scales applicable to regular employees working on the same posts. The State of Uttar Pradesh is directed to make payment of the

minimum of pay scales to the Appellants with effect from 1 st December, 2018."

It is further submitted that the petitioner is still working. Hence, the petitioner is entitled for the minimum basic pay scale and the case of the petitioner is squarely covered by the judgement of Hon'ble Apex Court as mentioned above.

Learned Standing counsel is unable to dispute the facts that the petitioner is still working on the post and also unable to distinguish the law laid down by the Hon'ble Apex Court in the case of Sabha Shanker Dube (supra), as per the instructions received.

In view of the above, the writ petition is **allowed**. The petitioner is entitled to be paid minimum of the pay scale regularly as given to the similarly situated person, who has been given benefit by order 16.01.2023. The said exercise be done within a period of two months from the date certified copy of this order is served.

March 30, 2026
Madhu J.R/P.S

(Karunesh Singh Pawar,J.)