



2026:AHC-LKO:19126

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 2861 of 2026

Omendra Singh Yadav And 2 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Horticulture U.P.
Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Ateeq Khan
Counsel for Respondent(s)	:	C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Mohd. Ateeq Khan, learned counsel for petitioners and learned State counsel for opposite parties.
2. Petition has been filed challenging order dated 25.02.2026 rejecting petitioner's representation for grant of minimum of pay-scale of a Class IV posts.
3. It has been submitted that earlier as well petitioner had filed Writ A No.11108 of 2025 which was disposed of vide order dated 19.09.2025 directing the authorities concerned to consider case of petitioner. It is in pursuance thereof that the impugned order has been passed.
4. Learned counsel for petitioners submits that despite the fact that petitioners have been engaged as daily wage employees with the department ever since 2005 to 2014 and have continuously worked as such without any complaint while performing the same work and duties as regularly and substantively appointed employee of the department, their claim has been rejected ignoring judgment rendered by Hon'ble the Supreme Court in the case of **Sabha Shanker Dube** versus **Divisional Forest Officer & Ors.**, reported in (2019) 12 SCC 297.
5. Learned State counsel has not been provided instructions in the

matter.

6. Since reasons indicated for rejection of petitioners' claim are evident from the impugned order itself, requiring counter affidavit to be filed is dispensed with and the petition is adjudicated upon at the admission stage itself in terms of judgment rendered by the Supreme Court in the case of **Mohinder Singh Gill & others v. Chief Election Commissioner, New Delhi** and others [AIR 1978 SC 851].

7. Learned State counsel does not dispute that petitioners have been employed as daily wage employees in the department. There is no denial of the fact that they are still engaged with the department in the same capacity. There is also no denial of the fact that petitioners are performing the same functions and duties as are being performed by regularly selected substantively employees with the department.

8. It is thus evident from a perusal of impugned order that petitioners' application for grant of minimum of pay-scale has been rejected primarily on the ground that they are engaged as a daily wage labourer with the department. However the aforesaid aspect has already been considered by Hon'ble the Supreme Court in the case of **Sabha Shanker Dube** (supra) in the following manner:-

10. 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 [State of Punjab v. Jagjit Singh, (2017) 1 SCC 148 : (2017) 1 SCC (L&S) 1] held as follows: (SCC p. 223, para 58)

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."

11. The issue that was considered by this Court in Jagjit Singh [State of Punjab v. Jagjit Singh, (2017) 1 SCC 148 : (2017) 1 SCC (L&S) 1] 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 [State of Haryana v. Tilak Raj, (2003) 6 SCC 123 : 2003 SCC (L&S) 828] and Surjit Singh [State of Punjab v. Surjit Singh, (2009) 9 SCC 514 : (2009) 2 SCC (L&S) 696] , 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."

9. Upon applicability of aforesaid judgment in the present facts and circumstances of the case, it is thus evident that petitioners are working with the department as daily wage employees ever since June 2005-2014. In the case of **Sabha Shanker Dube** (supra), it has clearly been enunciated that government authorities cannot take advantage of the status of a Class IV employee to deny him the benefits of regular pay scale while taking work from him which is commensurate with the work performed by regularly selected and substantively appointed employees of the department. The aforesaid judgment does not indicate any stipulation that minimum of the pay-scale can be granted to such an employees only upon completion of ten years' of service.

10. In view of discussion made here-in-above, since petitioners are engaged as daily wage employees of the department since June 2005 to 2014 and is undeniably performing the same functions and duties as substantively appointed Class IV employees of the department, the impugned order dated 25.02.2026 is hereby quashed

by issuance of a writ in the nature of Certiorari. Further a writ in the nature of mandamus is issued commanding the opposite parties to ensure payment of minimum of pay scale of a Class IV post to the petitioners forthwith as revised from time to time.

11. Resultantly, the petition succeeds and is allowed. Parties to bear their own costs.

(Manish Mathur,J.)

March 17, 2026

kvg/-