



2026:AHC-LKO:21349

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 3186 of 2026

Matapher And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Agriculture Edu.
Deptt. State Of U.P. Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Neelesh Kumar Yadav, Abhaya Kumar Yadav
Counsel for Respondent(s)	: C.S.C., Prashant Kumar Singh

Court No. - 17

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the petitioners, Sri Raghvendra Pratap Singh - learned counsel for the opposite party no.1 and Sri Satyanshu Ojha - learned counsel counsel for the opposite party nos.2 & 3.

2. The present petition is filed with the prayers :-

(i) to issue a writ, order or direction in the nature of Certiorari as amended on 22.1.2026 passed by the opposite party no.2 to the extent same denies the arrears of minimum of pay scale to the petitioner as per recommendations of 6th and 7th Pay Commission as contained in Annexure No.1 to the writ petition.

(ii) to issue a writ, order or direction in the nature of Mandamus commanding the opposite parties not to give effect to impugned order dated 10.09.2025 as amended on 22.01.2026 passed by the opposite party no. 2 to the extent same denies the arrears of minimum of pay scale to the petitioner as per recommendations of 6th and 7th Pay Commission

(iii) To issue a writ, order or direction in the nature of Mandamus commanding the opposite parties to grant the arrears of minimum of the pay scale as per recommendations of 6th Pay Commission from the date of its implementation in the University i.e. 01.01.2006 till the date of implementation of 7th Pay Commission i.e. 20.12.20216 after deducting the amount which had already

been paid to the petitioners.

(iv) to issue a writ order or direction in the nature of Mandamus commanding the opposite parties to grant the minimum of the pay to the petitioners as per the recommendations of 7th Pay Commission from the date of its implementation i.e. 20.12.2016 till date 24.03.2025 after deducting whichever amounts have already been paid to the petitioners.

3. Learned counsel for the petitioners submits that petitioners were appointed as daily wager employee and minimum pay scale was not being paid, as a result, Writ A No.30568 of 2019 "*Munna Singh & Ors. Vs. State of U.P. & Ors.*" was filed, which was disposed of vide judgment & order dated 25.3.2025 in terms of the judgment passed in Writ A No.692 of 2025, '*Ram Kishor Yadav & Anr. Vs. State of U.P. through its Principal Secretary Agriculture Education and Research Lucknow & Ors.*'. He further submits that the pay scale was given in accordance with the seventh pay commission but the arrears of sixth and seventh pay commission were not being paid, therefore, indulgence of this Court is necessary.

The order dated 25.3.2025 passed in Writ A No.30568 of 2019 reads as under :-

1. Heard learned counsel for the petitioners, learned Standing Counsel for the State and Sri Satyanshu Ojha, learned counsel for the University.

2. Learned counsel for the petitioners has drawn attention of this Court towards the judgment and order dated 21.01.2025 passed in Writ-A No.692 of 2025, Ram Kishor Yadav and Another Vs. State of U.P. through its Principal Secretary Agriculture Education and Research Lko. and 2 Others, which reads as under:-

"1. Heard learned counsel for the petitioners, learned Standing Counsel appearing on behalf of respondent no.1, and Sri Prashant Kumar Singh, learned counsel for respondents no.2 and 3.

2. With the consent of learned counsels for the parties, the writ petition is being decided finally.

3. The short controversy involved in the matter is that although the petitioners have been granted minimum of the pay scale as per sixth pay commission in pursuance to the judgment and order dated 15.05.2019 passed in a bunch of petitions leading being Writ Petition No.1814 of 2017 (SS) in re: Hanuman Prasad Pandey and 12 others vs. State of U.P. and others, a copy of which is part of Annexure-5 to the petition, yet they have not been granted the minimum of the

pay scale as per seventh pay commission.

4. The contention is that the aforesaid controversy has already been examined by a Division Bench of this Court in a bunch of special appeals leading being Special Appeal No.435 of 2018 in re: Chandra Shekhar Azad Agricultural and Technological University and 2 others vs. Rajendra Prasad Pandey and 20 others, decided on 12.07.2018, a copy of which is Annexure-11 to the petition, yet the respondent University has not extended the benefit of the seventh pay commission pertaining to grant of minimum of the pay scale and hence the petition.

5. Responding to that Sri Prashant Kumar Singh, learned counsel for respondents no.2 and 3, points out that the Division Bench judgment of this Court in the case of Chandra Shekhar Azad Agricultural and Technological University (supra) pertains to some other University and not the University in which the petitioners are working. However, he does not dispute that in the aforesaid judgment the Division Bench has in fact directed for grant of minimum of the pay scale to the Daily Wagers at par with the regular employees who are entitled for the pay scales given under the recommendations of the seventh pay commission.

6. Having heard learned counsels for the contesting parties and having perused the record, it emerges that in the earlier round of litigation this Court vide judgment and order dated 15.05.2019 had directed the respondents to pay the petitioners the minimum of the pay scale till they are regularized in service. In pursuance thereof, the petitioners have been given the minimum of the pay scale as per sixth pay commission. However, they are not being given the minimum of the pay scale as per seventh pay commission. This aspect of the matter has been examined by the Division Bench of this Court in the case of Chandra Shekhar Azad Agricultural and Technological University (supra) wherein the Division Bench has held that the minimum pay, as a matter of fact, is nothing but quantification of labour sold by an employee to the employer and that this should also be in consonance with the principle of equal pay for equal work enshrined under Article 39(d) read with Articles 14 and 16 of the Constitution of India.

7. Incidentally, the SLP filed against the Division Bench judgment in the case of Chandra Shekhar Azad Agricultural and Technological University (supra) has been dismissed vide judgment and order dated 21.11.2024, a copy of which is Annexure-12 to the petition.

8. Even otherwise, the Hon'ble Supreme Court in the case of Sabha Shanker Dube vs. Divisional Forest Officer and others - [2019 (160) FLR 90] after considering its earlier judgment in the case of State of Punjab and others vs. Jagjit Singh and others - (2017) 1 SCC 148 has 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. Thus, keeping in view the law laid down by Hon'ble Supreme Court in the cases of Sabha Shanker Dube (supra) and Jagjit Singh (supra) as well as the Division Bench judgment of this Court in the case of Chandra Shekhar Azad Agricultural and Technological University (supra)

and the fact that the petitioners have admittedly been given the minimum of the regular pay scale as per the sixth pay commission consequently there is no occasion for the respondents to not give minimum of the pay scale as per seventh pay commission.

10. Keeping in view the aforesaid discussion, the writ petition is allowed. A writ of mandamus is issued to the respondents to grant the minimum of the pay scale to the petitioners as per seventh pay commission as is being drawn by the regular employees working on the said post. The payment would be made till such time the petitioners are regularized in service in accordance with rules.

11. Let the respondents comply with the order within a period of six weeks from the date of receipt of a certified copy of this order.

12. The respondents would also consider for payment of arrears on the basis of sixth and seventh pay commission in accordance with rules within the aforesaid period provided there is no legal impediment."

3. Learned counsel for the petitioners has stated that the present issue is identical in nature, therefore, benefit of the aforesaid order passed in re; Ram Kishor Yadav (supra) may be extended to the present petitioners.

4. Having considered the submissions of learned counsel for the parties and having perused the order dated 21.01.2025 passed in re; Ram Kishor Yadav (supra), I hereby allow this writ petition in terms of the order dated 21.01.2025 passed in re; Ram Kishor Yadav (supra).

5. Let the respondents comply with the order within a period of six weeks from the date of receipt of a certified copy of this order.

6. The respondents would also consider for payment of arrears on the basis of Sixth and Seventh Pay Commission in accordance with rules within the aforesaid period provided there is no legal impediment.

4. Sri Satyanshu Ojha, learned counsel for the opposite party nos.2 & 3 vehemently opposes the prayer of the petitioner and submits that in case of Ram Kishor Yadav (supra) there was a direction that the authorities would also consider for payment of arrears on the basis of Sixth and Seventh pay commission in accordance with the rules within stipulated period provided there is no legal impediment. He further submits that minimum pay scale has already been given to the petitioner as per the seventh pay commission but the arrears part has been declined by deciding the representation of the petitioner. He also rely on the decision of **State of Haryana & Anr. Vs. Mohinder Singh & Anr.** reported in **(2017) 4 Supreme Court Cases 587** and submits that benefits can only be given from the date of judgment,

therefore, petition is liable to be dismissed.

5. Considering the submissions of learned counsel for the parties, going through the contents of the application as well as other relevant documents, it is evident that in Writ A No.30568 of 2019 was filed by the petitioner alongwith other persons there was a direction for payment of minimum pay scale in accordance with the seventh pay commission and further directed that case for payment of arrears on the basis of sixth and seventh pay commission be also considered in accordance with the rules within stipulated period provided there is no legal impediment. It is also evident that minimum pay scale seventh pay commission has already been given to the petitioner but the arrear part has been refused on the ground that there is no rule for providing said benefit and in the judgment relied by learned counsel for the opposite party no.2 & 3, Hon'ble Supreme Court has categorically observed that benefit can only be given from the date of judgment, therefore, present petition is misconceived and is accordingly, **dismissed**.

(Rajeev Singh,J.)

March 25, 2026

GauraV/-