

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 879-883 OF 2016
[@SPECIAL LEAVE PETITION (C) 28317-28321 OF 2010]

DY.DIRECTOR, SOCIAL FORESTRY DIVN.& ANR Appellant (s)

VERSUS

LAKSHMI CHANDRA Respondent(s)

WITH

CIVIL APPEAL NOS. 884-85 OF 2016
[@ SPECIAL LEAVE PETITION (C) 27593-27594 OF 2010]

WITH

SPECIAL LEAVE PETITION (C) 26571-26572 OF 2010

SPECIAL LEAVE PETITION (C) 26664-26665 OF 2010

SPECIAL LEAVE PETITION (C) 27506-27507 OF 2010

SPECIAL LEAVE PETITION (C) 27578-27579 OF 2010

SPECIAL LEAVE PETITION (C) 1340 OF 2011

SPECIAL LEAVE PETITION (C) 1342 OF 2011

SPECIAL LEAVE PETITION (C) 1343 OF 2011

J U D G M E N T

KURIAN, J.

Civil Appeal Nos. 884-85 of 2016 [@ SLP (C) 27593-27594 of 2010]

1. Leave granted.
2. The appellants are before this Court, aggrieved by the proceedings for contempt initiated against them. The disputes herein are in a very narrow

compass, regarding the payment of minimum of the pay-scale to the daily wagers working in the Forest Department in Group-D posts.

3. In the contempt application, being Civil Misc. Contempt Petition No. 2465 of 2004, by order dated 01.07.2010, the High Court passed the following order:-

"It is not the case of the opposite parties that the applicants are not working in the Forest Department at different places after the judgments of this Court and the Apex Court. It is admitted that the applicants are working as daily wagers. Thus, once this Court had issued directions to pay all the daily rated workers the minimum of the pay scale but without allowances and other benefits, the applicants would be entitled to minimum of the pay scale so long they continue to work as daily rated workers in the Forest Department. The opposite parties by not paying the minimum of the pay scale to all the daily rated workers working in the Forest Department on the cut off date and thereafter have thus violated/disobeyed the directions of

this Court contained in the judgments of the learned Single Judge and the Division Bench in the case of Putti Lal (supra). In view of discussions made above, the Court is prima facie satisfied that there has been wilful and deliberate disobedience /non-compliance on the part of the opposite parties of the directions of this Court as contained in the judgments of the learned Single Judge and the Division Bench of this Court in the case of Putti Lal (supra), as modified by the Apex Court."

4. The High Court had, in fact, directed the payment in terms of an order passed by this Court in Civil Appeal No. 3634 of 1998 dated 21.02.2002 titled as State of U.P. & Ors. Vs. Putti Lal reported in (2006) 9 SCC 337, in which this Court had held :-

"In several cases, this Court applying the principle of equal pay for equal work has held that a daily wager, if he is discharging the similar duties as those in the regular employment of the Government, should at least be entitled

to receive the minimum of the pay scale though he might not be entitled to any increment or any other allowance that is permissible to his counter part in the Government. In our opinion that would be the correct position and we, therefore, direct that these daily-wagers would be entitled to draw at the minimum of the pay scale being received by their counter part in the Government and would not be entitled to any other allowances or increment so long as they continue as daily wager. The question of their regular absorption will obviously be dealt with in accordance with the statutory rule already referred to."

JUDGMENT

5. It is seen from the records of the contempt petition that the Principal Chief Conservator of Forests of the State had filed an affidavit before the High Court to the effect that necessary instructions had been issued to all the officers concerned to implement the directions referred to above with regard to payment of minimum of the pay-scale to the daily wagers.

6. We direct the Principal Secretary to the Department of Forests, U.P. and the Principal Chief Conservator of Forests, U.P. to file separate affidavits before the High Court on the implementation of the orders referred to above. In case, the workmen have not been paid the amounts as per the orders, they shall see that wages are paid in terms of the orders within a period of one month from today and the affidavit in that regard shall be filed before the High Court within two weeks thereafter.

7. In case, the orders are not implemented, the Principal Secretary to the Department of Forests and the Principal Chief Conservator of Forests shall not be eligible to draw their salaries from the month of April, 2016, without permission from the High Court.

8. Subject to the above directions, these civil appeals are disposed of with no orders as to costs. Pending interlocutory applications, if any, are disposed of.

Civil Appeal Nos. 879-883 of 2016 [@ Special Leave
Petition (C) Nos. 28317-28321 of 2010]

1. Leave granted.

2. The dispute essentially pertains to the regularisation of the daily wagers in the Forest Department of the State of U.P. and payment of minimum of the pay-scale being received by their

counterparts in the Government without any other allowances or increment so long as the workmen continued as daily wagers. In the decision rendered by this Court in Putti Lal (supra), this Court gave a quietus to both the disputes by permitting the State to take up the case of the daily wagers for regularisation in terms of the rules framed by the State viz. *"The U.P. Regularisation of Daily Wages (Appointment on Group D Posts) Rules, 2001"*. As far as the payment of minimum of pay-scale also, this Court held that the daily wagers should be paid the minimum of the pay-scale being received by their counterparts in the Government, without any other allowances or increment, so long as they continued as daily wagers.

3. The respondent approached the High Court complaining that no meaningful steps have been taken for regularisation in terms of the rules referred to above despite the High Court issuing a direction in Civil Misc. Writ Petition No. 43443 of 2004, decided on 23.10.2008.

4. The learned Single Judge, taking cognizance of the fact that despite the direction issued by this Court and the High Court, the State and their machinery had not been putting the house in order, directed the officers concerned to be present before the Court to explain the position. Accordingly, on

03.12.2009, the Principal Secretary, Department of Forests and the Principal Chief Conservator of Forests, who were present before the learned Single Judge, submitted that steps would be taken to draw an accurate eligibility and seniority list in all the Divisions in terms of the Rules referred to above for the purpose of regularisation. Despite such an undertaking given before the Court in person and recorded by the Court, apparantly no meaningful steps were taken and therefore, the Court proceeded to the next stage of framing charges. The matter was taken in an intra-court appeal, which was also dismissed and thus, they are before this Court.

5. The learned counsel appearing for the appellants has submitted that during the pendency of these proceedings before the Court and the High Court, in all the 70 Divisions of the Forest Department, the eligibility and seniority list has been prepared and submitted before the High Court. Mr. Prashant Bhushan, learned counsel appearing for some of the workmen, has submitted that the lists which were submitted, were not prepared in accordance with the Rules and quite a few bogus names were also inserted in the list. We do not think it fit for us to go into all these aspects. Now that the lists have been prepared and presented before the Court, we request the High Court to take into consideration all the

subsequent developments and proceed accordingly so as to reach a logical conclusion in terms of the orders passed by this Court and the High Court with regard to regularisation as well as the payment of minimum of pay-scale to the daily wagers.

6. The needful may be done expeditiously and at any rate within three months from today. The parties will appear before the High Court on 17.02.2016. Needless to say, the steps proposed in the impugned order for framing charges will be deferred and reconsidered.

7. The Registry is directed to forward a copy of this Judgment to the Registrar General of the High Court forthwith for posting of the case.

8. In view of the above, these civil appeals are disposed of with no order as to costs. Pending interlocutory applications, if any, are disposed of.

JUDGMENT

Special Leave Petition (C) 26571-26572 OF 2010,
Special Leave Petition (C) 26664-26665 OF 2010,
Special Leave Petition (C) 27506-27507 OF 2010,
Special Leave Petition (C) 27578-27579 OF 2010,
Special Leave Petition (C) 1340 OF 2011, Special
Leave Petition (C) 1342 OF 2011, Special Leave
Petition (C) 1343 OF 2011

1. In view of the Judgment passed in Civil Appeal Nos. 879-883 of 2016 (@SLP (C) Nos. 28317-28321 of

2010), no further orders are required to be passed in these Special Leave Petitions and these are also disposed of in terms of the directions issued above.

2. Pending interlocutory applications, if any, are disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
February 02, 2016.



JUDGMENT