



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 55 of 2024

Date of Decision: 31.07.2025

1. Meghalaya Energy Corporation Limited (MeECL),
 Represented by the Director of Corporate Affairs
 Meghalaya Energy Corporation Limited (MeECL), Lum
 Jingshai, Short Round Road, Shillong,
 East Khasi Hills District, Meghalaya.
2. The Chairman-cum-Managing Director, Meghalaya
 Energy Corporation Limited (MeECL), Lum
 Jingshai, Short Round Road, Shillong,
 East Khasi Hills District, Meghalaya.

..... Appellants

-VERSUS-

1. MeECL Progressive Worker's union, Shillong
 Represented by its president, Shri. Mantiphranglang Lyngdoh Giri
 S/o Kiron Lamin, R/o Khliehriat,
 East Jaintia Hills District, Meghalaya
2. The State of Meghalaya represented by the Chief Secretary
 Government of Meghalaya, Shillong.

..... Respondents

Coram:

Hon'ble Mr. Justice H.S. Thangkhiew, Judge

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. A. Kumar, Sr.Adv with Ms. R. Colney, Adv
For the Respondent(s)	:	Mr. P. Yobin, Adv (R:1) Mr. N.D. Chullai, AAG with Ms. Z.E. Nongkynrih, GA (R:2)



(Judgment and Order)

Per. B. Bhattacharjee, Judge:

By this writ appeal, the appellants have challenged the judgment dated 15.07.2024 passed in WP(C) No.153 of 2021 whereby the relevant appellants' authorities were directed to take necessary action to implement and ensure that the members of the writ petitioner/union are paid equal pay for equal work.

1. The respondent No.1 in the present writ appeal, which is a union of regular casual/contractual workers known as MeECL Progressive Worker's Union, filed WP(C) No.153 of 2021 claiming payment of wages on a par with minimum pay scale of regular employees of the appellants. The claim was opposed by the appellants herein. The learned Single Judge vide impugned judgment dated 15.07.2024 allowed the prayer by issuing the following direction: -

“29. In view of the above, to the extent indicated, the prayer made in this petition is allowed. The relevant respondent authorities in the MeECL are hereby directed to take necessary action to implement the directions given herein, that is, to ensure that the members of the petitioner/Union, whose names can be found at Annexure-A/3 are being paid equal pay for equal work. The same to be completed preferably within a period of 2 (two) months from the date of receipt of the certified copy of this judgment and order.”

2. Assailing the impugned judgment Mr. A. Kumar, learned Senior counsel, submits that the writ petition was not maintainable as each of the members of the writ petitioner/union had a distinct cause of action which was separate and independent and hence, clubbing of multiple causes of action into one single writ petition was not permissible. He submits that the writ petition concerned various persons working in 31 different posts and thus, the same could not have been decided without considering the merits and demerits of



individual claim of each of the members of the union. He contends that the learned Single Judge erred in passing the impugned judgment without there being any material particulars or proof establishing that the persons at various posts were undertaking identical work of regular employees and that a bald averment in the writ petition was not sufficient to establish equal work. He submits that matters of equal pay for equal work requires analysis of various factors like the source of appointment, qualification, quality of work, quantity of work, sensitivity, responsibility and accountability attached with work and involves a tedious factual exercise which is not undertaken in a writ proceeding as the scope for factual determination is extremely narrow. He submits that mere common nomenclature of a post is not sufficient to prove equal work and the courts should not interfere with the complex issues of evaluating the nature of duties and responsibilities of posts and of fixing the pay scales which is a task for the expert bodies falling within the executive domain.

3. The learned Senior counsel further submits that the doctrine of equal pay for equal work is not an abstract doctrine and has no mechanical application in every case. He submits that the onus of proof of parity in the duties and responsibilities under the principle of equal pay for equal work lies on the person who claims it and in the present case the writ petitioner/union has miserably failed to discharge the onus. He submits that the members of the writ petitioner/union are not regular employees and were appointed on purely temporary basis. The nature of appointment and duties assigned to the members of the writ petitioner/union are different from the nature of appointment and duties of the regular employees. He submits that the members of the writ petitioner/union are all contractual hires and recruited beyond the sanctioned posts purely on the need basis and the service condition of the members of the writ petitioner/union is guided by the terms and conditions provided in the respective contract agreement, not by the



provisions of the Service Regulation of the appellant corporation. He contends that the learned Single Judge wrongly applied the principles of the decision of the Apex Court in *State of Punjab & ors v. Jagjit Singh & ors*, (2017) 1 SCC 148 without determining the facts of the case in order to appreciate whether the members of the writ petitioner/union satisfied the relevant requirements such as, nature of work done by them as compared to nature of work done by regular employees, the qualifications and responsibilities. He submits that the parameters delineated in paragraphs 42.1, 42.5, 42.6, 42.8, 42.14 and 42.15 were overlooked by the learned Single Judge while rendering the impugned judgment. He submits that since the appellant had categorically denied all the claims of the writ petitioner/union in its counter affidavit, the impugned judgment is not tenable in the eye of law and the same requires to be interfered with. In support of his contention the learned Senior counsel places reliance on the decisions of the Apex Court in *Binod Kumar v. State of Jharkhand*, 2022 SCC online Jhar 107; *P. Radhakrishna Naidu v. Govt. of A.P.*, (1977) 1 SCC 561; *Mota Singh v. State of Haryana*, 1980 Supp SCC 600; *Union of India v. Indian Navy Civilian Design Officers Assn.*, 2023 SCC online SC 173; *State of M.P v. R.D. Sharma* (2022) 13 SCC 320.

4. Mr. P. Yobin, learned counsel appearing for the respondent No.1/writ petitioner/union, on the other hand, submits that the writ petition was filed by a registered trade union espousing the common and collective cause of its members and hence, the contention of the appellant that the writ petition was not maintainable due to multiplicity of cause of action is not legally tenable. He submits that the grievances raised in the writ petition squarely fell within the purview of representative action maintainable under Article 226 of the Constitution. The learned counsel submits that the decision of *Jagjit Singh & ors (supra)* was correctly applied by the learned Single Judge wherein it was held that temporary workers including daily wagers, casual, ad hoc and contractual appointees, when discharging similar duties and responsibilities



as regular employees, shall be entitled to minimum pay at par with the regular scale. He contends that there is no dispute that the members of the writ petitioner/union are discharging similar and identical duties to that of their regular counterparts. He submits that in the facts and circumstances of the present case, the contention of the appellant that the question of pay parity falls within the administrative domain is totally misplaced as the question of job evaluation or pay fixation was not an issue in the writ petition. The prayer in the writ petition was limited to the grant of minimum pay scale applicable to the regular posts and the learned Single Judge was correct in passing necessary direction to enforce minimum pay parity. The learned counsel further submits that the writ petition was not filed seeking regularisation of service but for redressal of the grievance of the members of the union against discriminatory and arbitrary classification with regard to payment of salary. He, therefore, submits that there is no illegality or irregularity in the impugned judgment of the learned Single Judge and the present appeal, being devoid of merit, is liable to be dismissed. In support of his submission, the learned counsel places reliance on the decision of 1965 SCC online SC 128, *Workmen of M/S Dharam Pal Prem Chand (Saugandhi) v. Dharam Pal Prem Chand (Saugandhi)*.

5. No submission has been advanced on behalf of the respondent No.2 being only a formal respondent.

6. We have given our careful consideration to the submissions made on behalf of the rival parties and also the materials available on record. It is clear that the learned Single Judge has entirely placed reliance on the decision of *Jagjit Singh & ors (supra)* while rendering the impugned judgment dated 15.07.2024.

7. The Apex Court in *Jagjit Singh & ors (supra)* after extensive survey of case laws pertaining to employees engaged on regular basis as well as



temporary basis, who were claiming higher wages under the principle of equal pay for equal work, at paragraph 60, held: -

“60. Having traversed the legal parameters with reference to the application of the principle of “equal pay for equal work”, in relation to temporary employees (daily-wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and the like), the sole factor that requires our determination is, whether the employees concerned (before this Court), were rendering similar duties and responsibilities as were being discharged by regular employees holding the same/corresponding posts. This exercise would require the application of the parameters of the principle of “equal pay for equal work” summarised by us in para 42 above. However, insofar as the instant aspect of the matter is concerned, it is not difficult for us to record the factual position. We say so, because it was fairly acknowledged by the learned counsel representing the State of Punjab, that all the temporary employees in the present bunch of appeals were appointed against posts which were also available in the regular cadre/establishment. It was also accepted during the course of their employment, the temporary employees concerned were being randomly deputed to discharge duties and responsibilities which at some point in time were assigned to regular employees. Likewise, regular employees holding substantive posts were also posted to discharge the same work which was assigned to temporary employees from time to time. There is, therefore, no room for any doubt, that the duties and responsibilities discharged by the temporary employees in the present set of appeals were the same as were being discharged by regular employees. It is not the case of the appellants, that the respondent employees did not possess the qualifications prescribed for appointment on regular basis. Furthermore, it is not the case of the State that any of the temporary employees would not be entitled to pay parity on any of the principles summarised by us in para 42 hereinabove. There can be no doubt, that the principle of “equal pay for equal work” would be applicable to all the temporary employees concerned, so as to vest in them the right to claim wages on a par with the minimum of the pay scale of regularly engaged government employees holding the same post.”

8. Thus, it is obvious from the above that with reference to the



application of principle for equal pay for equal work, the prime factor which requires consideration in the present case is whether the members of the writ petitioner/union were rendering similar duties and responsibilities as are being discharged by regular employees holding same/corresponding posts in terms of the parameters summarised in para 42 of *Jagjit Singh & ors (supra)*. The legal positions summarised in para 42 were in different parts and numbered as para 42.1 to 42.17. While the learned Single Judge had taken note of para 42, 42.3, 44.3, 44.4, 44.5, 44.6, 58, 60 and 61, the contents of para 42.1, 42.5, 42.6, 42.8, 42.14 and 42.15 relied on by the learned Senior counsel, were not considered. The said paragraphs, being relevant, are referred below: -

“42.1. The “onus of proof” of parity in the duties and responsibilities of the subject post with the reference post under the principle of “equal pay for equal work” lies on the person who claims it. He who approaches the court has to establish that the subject post occupied by him requires him to discharge equal work of equal value, as the reference post (see Orissa University of Agriculture & Technology case, UT Chandigarh, Admn. V. Manju Mathur, SAIL case and National Aluminium Co.Ltd case).

42.5. In determining equality of functions and responsibilities under the principle of “equal pay for equal work”, it is necessary to keep in mind that the duties of two posts should be of equal sensitivity, and also, qualitatively similar. Differentiation of pay scales for posts with difference in degree of responsibility, reliability and confidentiality, would fall within the realm of valid classification, and therefore, pay differentiation would be legitimate and permissible (see Federation of All India Customs and Central Excise Stenographers case and SBI case). The nature of work of the subject post should be the same and not less onerous than the reference post. Even the volume of work should be the same. And so also, the level of responsibility. If these parameters are not met, parity cannot be claimed under the principle of “equal pay for equal work” (see State of U.P. v. J.P. Chaurasia and Grih Kalyan Kendra Workers’ Union case).

42.6. For placement in a regular pay scale, the claimant has to be a regular appointee. The claimant should have been selected on the basis



of a regular process of recruitment. An employee appointed on a temporary basis cannot claim to be placed in the regular pay scale (see Orissa University of Agriculture & Technology case).

42.8. If the qualifications for recruitment to the subject post vis-à-vis the reference post are different, it may be difficult to conclude that the duties and responsibilities of the posts are qualitatively similar or comparable (see Mewa Ram Kanojia case and State of W.B. v. Tarun K. Roy). In such a case the principle of “equal pay for equal work” cannot be invoked.

42.14. For parity in pay scales under the principle of “equal pay for equal work”, equation in the nature of duties is of paramount importance. If the principal nature of duties of one post is teaching, whereas that of the other is non-teaching, the principle would not be applicable. If the dominant nature of duties of one post is of control and management, whereas the subject post has no such duties, the principle would not be applicable. Likewise, if the central nature of duties of one post is of quality control, whereas the subject post has minimal duties of quality control, the principle would not be applicable (see U.T. Chandigarh, Admn. V. Manju Mathur).

42.15. There can be a valid classification in the matter of pay scales between employees even holding posts with the same nomenclature i.e. between those discharging duties at the headquarters, and others working at the institutional/sub-office level (see Hukum Chand Gupta case), when the duties are qualitatively dissimilar.”

9. Coming to the case at hand, there is no dispute to the fact that the writ petition concerns various persons working in 31 different posts including that of Mali, Sweeper, Cleaner, Chowkidar, Jugali, Teacher, Carpenter, Meter Reader cum Bill-Clerk and many more, but there was no disclosure in the writ petition about the total number of members of the writ petitioner/union and the details of the posts held by them. No material has been placed before the Court to show the total sanctioned strength of each of the different posts held by the members of the writ petitioner/union and how many of them were accommodated in the posts which were also available in the regular



cadre/establishment.

10. Although, at para 5 of the writ petition a chart has been placed to show the name of the posts held by the members of the union vis-a-vis the name of the posts available in regular cadre and the primary nature of works involved, nothing is provided in details about the responsibilities connected with the discharge of duties and the duty hours attached to each of the respective posts. There is no averment in the writ petition giving the details of the requisite qualification prescribed for regular appointment to each of the 31 posts in question and also the respective qualification of all the members of the writ petitioner/union. In absence of details of requisite qualification for regular employee, it cannot be concluded that the duties and responsibilities in the posts are qualitatively similar and have equal sensitivity.

11. The appellants (respondent Nos.2&3) in their affidavit-in-opposition in WP(C) No.133 of 2021 did not make any admission with regard to the qualification and eligibility of the members of the writ petition/union insofar as regular appointment is concerned. It was asserted at para 2 of para-wise reply (page 378 of memo of appeal) that the contractual employees of the corporation are appointed on a need basis for a period of one year on the basis of the contract agreement. The pay of contractual employees is being fixed and paid from time to time on the basis of the notification issued by the Labour Department, Government of Meghalaya, in line with the Minimum Wages Act depending on their skill and ability. Further, at para 4 (page 380 of memo of appeal) it was stated that the contractual employees, especially, the Electrician, Meter Reader cum Bill Clerk and Jugali posts are large in number and the maximum members of the union are being recruited beyond the sanctioned post purely on the need basis, depending on the requirement of the job. The claim that the service regulation of the corporation is applicable to the contractual employees is false and incorrect and the terms and conditions provided in the contract agreement is binding upon the contractual employees.



12. The Apex Court in *Orissa University of Agriculture & Technology & anr v. Manoj K. Mohanty*, (2003) 5 SCC 188 at para 10 held: -

“10. The High Court before directing to give regular pay scale to the respondent w.e.f. September 1997 on the principle of “equal pay for equal work” did not examine the pleadings and facts of the case in order to appreciate whether the respondent satisfied the relevant requirements such as the nature of work done by him as compared to the nature of work done by the regularly appointed Junior Assistants, the qualifications, responsibilities etc. When the services of the respondent had not been regularized, his appointment was on temporary basis on consolidated pay and he had not undergone the process of regular recruitment, direction to give regular pay scale could not be given that too without examining the relevant factors to apply the principle of “equal pay for equal work”. It is clear from the averments made in the writ petition extracted above, nothing is stated as regards the nature of work, responsibilities attached to the respondent without comparing them with the regularly recruited Junior Assistants. It cannot be disputed that there were neither necessary averments in the writ petition nor was any material placed before the High Court so as to consider the application of the principle of “equal pay for equal work”.”

13. Further, in *Steel Authority of India Limited & ors v. Dibyendu Bhattacharya*, (2011) 11 SCC 122, a three Judge Bench of the Apex Court held: -

“22. It is the duty of an employee seeking parity of pay under Article 39(d) of the Constitution of India to prove and establish that he had been discriminated against, as the question of parity has to be decided on consideration of various facts and statutory rules, etc. The doctrine of “equal pay for equal work” as enshrined under Article 39(d) of the Constitution read with Article 14 thereof, cannot be applied in a vacuum. The constitutional scheme postulates equal pay for equal work for those who are equally placed in all respects. The court must consider the factors like the source and mode of recruitment/appointment, the qualifications, the nature of work, the value thereof, responsibilities, reliability, experience, confidentiality,



functional need, etc. In other words, the equality clause can be invoked in the matter of pay scales only when there is wholesome/wholesale identity between the holders of two posts. The burden of establishing right and parity in employment is only on the person claiming such right.”

14. The writ petition filed by the writ petitioner/union in the instant matter is absolutely silent on the source and mode of recruitment/appointment of its members and their respective qualifications. There is also no disclosure of responsibilities held by each of the members of the writ petitioner/union and their reliability, experience, confidentiality and functional need. No material has been placed by the writ petitioner/union to establish wholesome/wholesale identity between the posts held by the members of the writ petitioner/union and their counterparts in regular employment.

15. The decision of *Jagjit Singh & ors (supra)* was passed by the Apex Court on the basis of the admission made by the State of Punjab that all the temporary employees involved in the case were appointed against posts which are also available in the regular cadre/establishment. It was also accepted that during the course of employment, the temporary employees concerned were being randomly deputed to discharge duties and responsibilities which at some point of time were assigned to regular employees and likewise, the regular employees holding substantive post were also posted to discharge the same work which was assigned to temporary employees from time to time. However, in the present matter there is no such admission by the appellants before the writ court. In such a situation, the learned Single Judge was not correct in placing reliance on the decision of *Jagjit Singh & ors (supra)* without there being any material to establish wholesome/wholesale identity between the posts held by the members of the writ petitioner/union and their counterparts in regular employment.

16. In the case of *Workmen of M/S Dharam Pal Prem Chand (Saugandhi)*



(*supra*) relied on by the learned counsel for the respondent No.1/writ petitioner/union, the Apex Court was considering the validity of a referral of a dispute by Delhi Administration under section 10(1)(d) and 12(5) of the Industrial Dispute Act, 1947 in order to determine the jurisdiction of the Industrial Tribunal, Delhi, to take up the matter under reference. The decision does not deal with the plea of clubbing of multiple cause of action in one writ petition raised on behalf the appellant and, hence has no application in the instant matter.

17. For the reason and discussion made above, we are inclined to allow the prayer made in this writ appeal. Resultantly, the impugned judgment dated 15.07.2024 in WP(C) No.153 of 2021 is hereby set aside and quashed. The writ petition stands dismissed. No costs.

(B. Bhattacharjee)
Judge

(H.S. Thangkhiew)
Judge

Meghalaya
31.07.2025
"Shrity,PS"