

U. P. Rajya Sahakari Bhoomi Vikas Bank Ltd.

Vs

Workmen

Civil Appeal No. 2415 of 1989

(P. B. Sawant, K. Ramaswamy, Ranganathan Misra JJ)

24.10.1989

JUDGMENT

RANGANATH MISRA, J. –

1. This appeal is by special leave and is directed against the award passed by the Industrial Tribunal (II), Lucknow, dated December 12, 1988 in ADJ Case No. 1 of 1987. The following question was referred to the Tribunal under Section 4-K of the U.P. Industrial Disputes Act, 1947 :

"Whether denial of pay scale of Rs. 150-250 w.e.f. April 1, 1971 and Rs. 280-450 w.e.f. August 1, 1972 to their workmen mentioned in the annexure is justified and legal. If not, to what compensation and relief the workmen concerned are entitled and with what date and with what details ?"

2. The Tribunal came to find on material placed before it :

"... the fact remains that the junior 65 workmen promoted retrospectively did the same work as those promoted by way of personal promotion from 1971 to 1984 and if 65 junior workmen were given higher wage from 1971 to 1984, the decision of the Bank to give such higher wage to workmen promoted by way of personal promotion only from June 1, 1984 is arbitrary and unjust. The principle of equal pay for equal work must prevail and the inequality in wage from April 1, 1971 to May 31, 1984 cannot be allowed to stand."

3. The Tribunal's finding that both the groups were doing the same type of work has rightly not been challenged by the employer-Bank as it is a pure finding of fact. If irrespective of classification of junior and senior groups, the same work was done by both, the principle of equal pay for equal work is definitely attracted and on the finding of fact the Tribunal was justified in applying the principle to give the same benefit to those who had been left out. We see no justification in the stand of the employer-Bank and the challenge is without merit. The appeal is accordingly dismissed. The parties are directed to bear their own costs in this Court.

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