
CASE COMMENTARY ON RANDHIR SINGH V. UNION OF INDIA & ORS.

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| Case Title | RANDHIR SINGH V. UNION OF INDIA & ORS. |
| Citation | 1982 SCR (3) 298, 1982 SCC (1) 618, 1982 AIR 879 |
| Date Of the Order | 22.02.1982 |
| Jurisdiction | SUPREME COURT OF INDIA |
| Quorum | Hon'ble Justice O Chinnappa Reddy, Hon'ble Justice A.P. Sen, Hon'ble Justice Baharul Islam |
| Author of the Judgement | Hon'ble Justice O Chinnappa Reddy |
| Appellant | Randhir Singh |
| Respondent | Union of India & Ors. |
| Counsel for Appellant | Advocate M.S. Ganesh |
| Counsel for Respondent | Advocate N.C. Talukdar, Advocate R.N. Poddar and Advocate A. Subhashini |
| Acts and Sections Involved | <p>I. CONSTITUTION OF INDIA</p> <p>A. Article 14</p> <p>B. Article 16</p> <p>C. Article 32</p> <p>D. Article 39(d)</p> <p>II. EQUAL REMUNERATION ACT, 1976</p> <p>A. Section 4</p> <p>B. Section 5</p> |

I. INTRODUCTION

The present case of *Randhir Singh v. Union of India*¹ deals with the legal ideology of “equal pay for equal work²”. This ideology proposes that when there is same or identical work done by the same group of workers, then such workers must get same the pay. Article 39(d) of the Indian Constitution lays down the principle of equal pay for equal work and there shall not be any kind of discrimination on the bases of gender, caste or religion. To support the ideology laid down in Article 39(d), the Equal Remuneration Act, 1976³ also lays down that there must be equal wages given for equal work done by men and women⁴, and the Act strictly prohibits discrimination on the basis of gender. Though Article 39(d) is a Directive Principle of State Policy and is a direction given to the Central as well as the State government, Article 39(d) along with Article 14 promotes the concept of equal pay for equal work.

II. FACTS OF THE CASE

The petitioner Mr. Randhir Singh is a driver in the Delhi Police Force a division of Delhi Administration with the rank of constable. He has been hired under the Delhi Police Force under the category of “Ex-Serviceman”. The petitioner discharged his service in the Indian Army and joined the Delhi Police under the position of driver. The petitioner has passed the driving test. The petitioner was given the rank of constable after producing the Civil Heavy Transport Driving License.

The Delhi Police Force’s wage rate for the matriculated drivers was Rs.225-Rs.308 and for not matriculated drivers, the wage rate was Rs.210-Rs.270. The Railway Protection Force (RPF) wage rate was Rs.260-Rs.400. The wage rate in Non-Secretariat Offices is 260-6-326-EB⁵-8-350 rupees and for Secretariat Office it is 60-6-290-EB-6-326-8-366-EB-8-8-8-390-10-400 rupees. Similarly for the Language Commission it was Rs.260-Rs.300, and for the Fire Brigade and Light House Department it was Rs. 330-Rs.480.

The petitioner here raised an issue claiming that the workers who are performing the same or identical tasks, irrespective of the organizations to which they belong, are getting the equal number of wages. But the petitioner on the other side is not getting the same pay as the other heavy truck drivers are getting in various other departments. The petitioner and other co-workers requested the Third Pay Commission to look into the issue, which the authorities failed

¹ 1982 AIR 879

² Enshrined under Article 39(d)

³ Act 25 of 1976 amended by Act 49 of 1987

⁴ Section 4 and Section 5 of the Equal Remuneration Act, 1976

⁵ EB: The efficiency bar is a point to measure the workers efficiency for next up gradation.

to do. Hence, the petitioner has filed a writ petition under Article 32 of the Indian Constitution seeking the court to direct the authorities to comply with the petitioner's demand.

III. CONTENTION OF PETITIONER

A. The petitioner has filed writ asking the Court to direct the Pay Commission authorities to change the pay scale similar to that of the other drivers of the various department.⁶ The issue here is that the drivers of various organizations are doing the same or almost identical work as that of the petitioner but are getting paid more than the petitioner. There is a difference in the pay scale of the workers who do the same work.

B. The counsel for the petitioner has laid down that the principle of "equal work for equal pay" is abstract in nature and does not fall under the ambit of Article 14 and the counsel argues that the Article does not specify its ambit and hence it cannot be said that principle does not fall under the ambit of this Article. Hence Article 14 of the petitioner has been violated.

C. In addition to Article 14, Article 16 also lays down the idea of equal opportunity in employment with the government. The petitioner is working under the Delhi Police Force as a driver and the petitioner is performing same or identical work as other drivers working in other departments of Delhi Administration. But the petitioner is not getting equal pay as the others which are the rights enshrined under Article 14 and Article 16.

D. The counsel appearing for the petitioner further submitted that "Equal Pay for Equal work" has been laid in Article 39(d) as well.

IV. CONTENTION OF RESPONDENT

A. The counsel appearing for the respondent submitted that the petitioner herein holds the rank of a Constable and there is no class or rank for the drivers. So, the counsel argues that when there is no such class or rank for drivers in Delhi Police Force then the petitioner cannot consider or compare himself with the other drivers belonging to the driver class.

B. The counsel argues that there cannot be any comparison between workers of various department of the Delhi Police Force and the pay scale of the workers is decided according to the work they do and is arrived at after considering all the apt factors.

C. It is submitted that Article 14 which is mentioned by the petitioner herein has no grounds in the present case as Article 14 is an abstract idea and does not mention any ideology

⁶ Courts power to direct under Article 32

of equal wage for equal work⁷. Hence, Article 14 cannot be applied in the present case.

V. JUDGMENT OF THE COURT

A. The court is of the view that the notion “Equal pay for Equal work” is not an abstract idea but is rather a substance ideology. The reliance placed by the respondent on *Kishori Mohanlal Bakshi v. Union of India*⁸ has been questioned by the court on the basis that the *Kishori Mohanlal Bakshi* case lays down that there can be different pay scales for different rank of workers, which gives no assistance to the instance case. The court accepts the fact that there can be difference in the pay scale of workers when the workers are differentiated on the basis of their educational qualifications, experience, length of service rendered or any other such reasonable classification. And in such a case the idea of equal pay for equal work will seem to be an abstract notion and not otherwise.

B. Article 39(d) of the Constitution promotes the idea of “Equal Pay for Equal Work” and can be considered as a constitutional goal. The Article per se speaks about equal pay between men and women for equal work. But it can be interpreted that the Article also refers to equal pay for equal work for everyone irrespective of the gender. As held in many judgments, the Directive Principles must be read with the fundamental rights for the proper interpretation of the matter.⁹ Here, in the present case Article 14, dealing with Equality before law or equal protection before law, and Article 16, dealing with equality of opportunity to all citizens relating to employment, must be read together with Article 39(d). It was further observed that the Preamble of the Constitution declares India as Sovereign, Socialist, Secular, Democratic Republic. The word “Socialist¹⁰” not only covers the notion of equal pay for equal work but it also includes wages according to what a worker deserves. The court placed reliance on many international codes¹¹ for supporting the idea of “Equal Pay for Equal Work”.

C. The Hon’ble Apex Court, according to the Preamble to the Constitution and in the light of Article 14 and 16 with Article 39(d), held that equal pay for equal work is deducible from the above-mentioned articles and this notion will apply to workers when there is a difference

⁷ *Binoy Kumar Mukerjee v. UOI* ILR 1973 Delhi 427, *Makhan Singh v. UOI* 1952 AIR 27, *Kishori Mohanlal Bakshi v. UOI* AIR 1962 SC 1139

⁸ AIR 1962 SC 1139

⁹ *State of Kerala v. N.M. Thomas* 1976 AIR 490, *Dalmia Cement v. UOI* (1996) 10 SCC 104, *Ashok Kumar Thakur v. UOI* W.P. No. 265/2005, *Pathumma v. The State of Kerala* (1978) 2 SCR 537

¹⁰ Added to the Preamble of Indian Constitution in 1976 through the 42nd Constitutional Amendment

¹¹ Section 59 of the Hungarian Labor Code, Para 2 of Section 111 of Czechoslovak Code, Section 67 of Bulgarian Code, Section 40 of Code of German Democratic Republic, Para 2 Section 33 of Rumanian Code, The Preamble to the Constitution International Labor Organization enshrines the idea of ‘equal remuneration for work of equal value’, Section 123 of the Mexican Constitution

of pay scale in the cases of absence of classification or irrational classification.

D. The court held that the functions, responsibilities and duties of the drivers in Delhi Police Force are same as or are almost identical as that of other drivers working under the Delhi Administration, and hence the wage scale must also be the same between all the drivers. The Court directed the authorities of the Third Pay Commission to fix the pay band of the petitioner and other drivers similar to that of drivers of the Railway Protection Force and the same shall be effective from 01.01.1973.

VI. CONCLUSION

The present case forms a guideline on how Directive Principles and Fundamental Rights go hand in hand. Article 14 and Article 16 collectively speak about equality before the law and equality in terms of employment respectively. The view taken by the court in the instant case in purview of Article 14 is that it is both abstract as well as substantive notion. The nature of the Article depends upon the circumstance and facts of the case. Article 39(d) which denotes the ideology of “Equal pay for Equal Work” not only tries to eliminate the difference of payment between different sexes but also tries to remove discrimination between the same gender. The main ideology is that when workers do the same or an identical amount of labor then they must also be paid the same or an identical amount of pay.

Hence, the Court interpreted the idea of “Equal Pay for Equal Work” in the light of the Preamble to the Constitution by expounding the meaning of “Socialist”, Article 14, Article 16, read together with Article 39(d).

VII. REFERRED CASE LAWS

1. Binoy Kumar Mukerjee v. UOI ILR 1973 Delhi 427
2. Makhan Singh v. UOI 1952 AIR 27
3. Kishori Mohanlal Bakshi v. UOI AIR 1962 SC 1139
4. State of Kerala v. N.M. Thomas 1976 AIR 490
5. Dalmia Cement v. UOI (1996) 10 SCC 10
6. Ashok Kumar Thakur v. UOI W.P. No. 265/2005
7. Pathumma v. The State of Kerala (1978) 2 SCR 537

VIII. STATUTES AND CODES REFERRED

1. Hungarian Labour

2. Czechoslovak Code
3. Bulgarian Code
4. Code of the German Democratic Republic
5. Rumanian Code
6. Mexican Constitution
7. The Preamble of the Constitution of the International Labour Organization

IX. REFERENCES

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5. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=89886&p_country=HUN&p_classification=01.02
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