

## **Topic: Equal Pay For Equal Work Under Article 16**

Name of the Case: State of Madhya Pradesh v. Pramod Bhartia, AIR 1986 SC 1571

Bench: Justice K Singh, Justice N Kasliwal and Justice BJ Reddy

Fact of the Case: The lecturers were working in higher secondary school in Madhya Pradesh claimed parity in pay with lecturers working in technical schools. The qualification prescribed for, and the service condition of, both group of lecturers is the same but the function and responsibility of both the categories of lecturer were qualitatively speaking similar.

Ratio: The Supreme Court has explained the doctrine of equal pay for equal work is implicit in the doctrine of equality enshrined in Article 14, and flows from it. The rule is as much a part of Article 14 as it is of Article 16 (1). The doctrine is also stated in Article 30 (1), a directive principle, which advises the state to direct its policy towards securing equal pay for equal work for both men and women.

The doctrine of equal pay for equal work would apply on the premises of similar work but it does not mean that there should be complete identity of all respects. If the two classes of person do some work under some employer, with some responsibility, under similar working conditions, the doctrine of equal pay for equal work would apply and it would not be open to the state to discriminate one class with other in paying salary.

However, the court still refused to concede to the lecturer in higher secondary schools the same pay as the lecturer in technical school. Since the plea of equal pay for equal work has to be explained with reference to Article 14, the onus is upon the petitioner who established their right to equal pay, or the plea of discrimination, as the case maybe. In the instant case, the petitioner failed to discharge this onus.

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