

Topic: Equal Pay For Equal Work Under Article 39 (D)

Name of the case: Grih Kalyan Kendra v. UOI, AIR 1991 SC 1173

Bench: Justice K.N. Singh and Justice N.D. Ojha

Fact of the case: The workers Union of the Kendra has filed the writ petition for a declaration that Kendra wherein the workers are employed is a 'state' within the meaning of Article 12 of the Constitution and such it is prayed by them that writ of mandamus be issued directing the respondents to pay regular pay scale on par with another employee.

Judgment: The Supreme Court has held that Equal Pay For Equal Work is not expressly declared by the Constitution as a Fundamental Right but in the view of Directive Principle Of State Policy as contained in Article 39 (d) the Constitution, Equal Pay For Equal Work has assumed the status of Fundamental Right in service jurisprudence having regard to the constitutional mandate of equality in Article 14 and 16 of the Constitution.

The principle of Equal Pay for Equal Work properly be applied to cases of unequal scales of pay based on no classification or irrational classification though those drawing different scales of pay do identical work under same employer.