

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C.) No. 8088/2009**

% **Date of Decision: 12th October, 2009**

MUNICIPAL CORPORATION OF DELHI PETITIONER

Through: Mr. Nitin Kumar, Advocate.

VERSUS

\$ MAHENDER SINGH RESPONDENT

^ Through: NEMO.

CORAM:
Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **NO**
2. To be referred to the reporter or not? **NO**
3. Whether the judgment should be reported in the Digest? **NO**

S.N.AGGARWAL, J (ORAL)

Vide impugned award dated 04.08.2006 in a batch of matters, the respondent workmen working as Mason in MCD along with several others has been held entitled to the pay scale of Rs. 260-400 (as revised from time to time) from the date of their termination as Mason/Carpenter. However, the financial benefit has been ordered to be given to them from 01.05.2003 after fixing their pay notionally in the pay scale of Rs. 950-1500 as revised from time to time since they were promoted as Mason/Carpenter.

2. There are a number of workmen in whose favour the impugned award has been given by the Industrial Adjudicator. This writ petition has been filed by the management of the MCD only against one workman, namely respondent Mahender Singh herein.
3. A similar challenge against the same award came up before this

Court earlier in a writ petition being W.P.(C.) No. 11661/2009 which was dismissed vide order dated 16.09.2009. It was noted by this Court in the said order that the impugned award referred to two cases of Mr. Mukhram and Mr. Bhairo Singh, who are identically situated and have been granted the benefit of pay scale of Rs. 260-400 (revised from time to time). The Tribunal below has referred to those instances even in the impugned order and the same has not been assailed by the petitioner in the present writ petition. Therefore, it goes unchallenged that the petitioner has already granted the pay scale of Rs. 260-400 (revised from time to time) to at least two junior persons to the respondent namely to Mr. Mukhram and Mr. Bhairo Singh. There is no reason why the petitioner should discriminate with the respondent in the matter of granting the benefit of pay scale of Rs. 260-400 (revised from time to time) to him also with effect from the date mentioned in the impugned award.

4. In view of the above, I do not find any merit in this writ petition which fails and is hereby dismissed in limine.

OCTOBER 12, 2009
'BSR'

S.N.AGGARWAL, J