

% 05.11.2009

Present:- Ms. Saroj Bidawat for the petitioner.
Mr. Bankey Bihari and Mr. Pramod Gupta for the respondents.

+ **W.P.(C.) Nos. 5740-5748/2008**

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All these nine writ petitions are taken up for final disposal by this common order because questions of facts and law involved in all of them are identical.

All these nine writ petitions have been filed by the Municipal Corporation of Delhi against nine industrial awards granting benefits of pre-revised pay scale of Rs.260-400/- (revised from time to time) to the workmen from different dates after 01.01.1996.

In all these cases, the workmen were employed either as Masons, Carpenters, Painters or Fitters. They all were regularized in the service of the petitioner much before 01.01.1996. Earlier there was a classification of the above posts in two categories i.e. junior and senior Masons, Carpenters, Painters, Fitters etc. This classification was challenged by the workmen before the Labour Court. The Labour Court found on the basis of evidence produced by the parties that there was no such classification of junior and senior in the above categories of employees in Municipal Corporation of Delhi. The Court below also found that the MCD itself had granted the benefits of higher pay scale of pre-revised scale of Rs.260-400/- (revised from time to time) to certain Masons, Carpenters, Fitters and Painters etc. and has denied the same to others. Since the court

W.P.(C.) Nos. 5740-5748/2008

Page 1 of 3

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below found that the MCD was acting arbitrarily and was discriminating between similarly situated persons, it directed the MCD to extend the benefits of higher pay scale of pre-revised pay scale of Rs.260-400/- (revised from time to time) to all the workmen of the above categories w.e.f. the date of their regularization. However, the Labour Court restricted the grant of financial benefits to them in the higher scale w.e.f. different dates, all after 01.01.1996. Since the financial benefits in the higher scale has been ordered to be given to the workmen subsequent to 01.01.1996, there was no cause for the petitioner to file these petitions in view of its own office order bearing No.HC-IV/Engg./Estt./HQ/2007/173 dated 09.05.2007 which is extracted below:-

"No.HC-IV/Engg./Estt./HQ/2007/173

dated 09.05.2007

OFFICE ORDER

The Corporation in its meeting held on 05.03.2007 vide Resolution No. 902 has merged the existing pay scale of the post of junior and senior grades of the following categories to Rs.3050-4590/- (pre revised Rs.260-400/-) w.e.f. 01.01.1996.

S N	Junior Grade Rs.2650-4000	Senior Grade Rs.3050-4590	After merging now Grade of the post of Rs.3050-4590
1	Mason	Sr. Mason	Mason
2	Carpenter	Sr. Carpenter	Carpenter
3	Painter	Sr. Painter	Painter
4	Asstt. Fitter	Fitter	Fitter
5	Wire-Man (Gr)-II	Wire-Man (Gr)-I	Wire-Man

The name is issued and notified for information and necessary action by all concerned.

*Addl. Dy. Com. (Engg.)
Engg. Deptt (HQ)"*

From the above office order, it is evident that the petitioner itself has merged the post of junior and senior grades of Masons, Carpenters, Painters, Asstt. Fitters and Wire Man in one category and has granted them the benefits of pre-revised scale of Rs.260-400/- (revised from time to time) w.e.f. 01.01.1996. The petitioner is expected to extend the benefits of its office order to all those employees who are covered by the said office order. The petitioner should not expect that its employees have to come to the Court for getting their legitimate dues granted to them by its own office order.

Ms. Saroj Bidawat learned counsel appearing on behalf of the petitioner (MCD) has very fairly conceded that in view of the above office order of the MCD dated 09.05.2007, these petitions do not survive for any judicial scrutiny by this Court.

In view of the foregoing, I do not find any merit in any of these writ petitions which fail and are hereby dismissed. Stay applications pending in all these petitions are also dismissed.

A copy of this order be kept in the files of all the writ petitions which have been disposed of by this common order.

NOVEMBER 05, 2009,a
W.P.(C.) Nos. 5740-5748/2008

S.N. Aggarwal
S.N.AGGARWAL, J
Page 3 of 3