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

+ **W.P.(C) 4964/2011**

NARESH KUMAR AND ORS. Petitioner

Through : Mr. P. S. Bindra, Mr. Shweta
Priyadarshani, Advocates

Versus

THE DISTRICT AND SESSIONS JUDGE,
TIS HAZARI COURTS, DELHI AND ORS. Respondents

Through : Mr. Santosh K. Tripathi, ASG, GNCTD
Mr. Sanjay Dewan, Advocate for R-1.
Mr. Jasmeet Singh, CGSC.
Mr. Chetan Lokur, Mr. Viraj R. Datar
and Mr. Karan Mehta, Advocates.

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+ **W.P.(C) 5392/2011**

CIVIL AND SESSIONS COURT

STENOGRAPHERS ASSOCIATION (REGD) Petitioners

Through : Mr. P. S. Bindra, Mr. Shweta
Priyadarshani, Advocates
Ms. S. Janani, Advocate.

versus

THE DISTRICT AND SESSIONS JUDGE Respondents

Through : Mr. Santosh K. Tripathi, ASG, GNCTD
Mr. Sanjay Dewan, Advocate for R-1.
Mr. Chetan Lokur, Mr. Viraj R. Datar
and Mr. Karan Mehta, Advocates.
Mr. Abhay Prakash Sahay, Advocate,
CGSE for UOI.

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+ **W.P.(C) 5085/2011**

ASHOK KANOJIA & ORS. Petitioner

Through : Mr. P. S. Bindra, Mr. Shweta
Priyadarshani, Advocates

versus

THE DISTRICT & SESSIONS JUDGE,
TIS HAZARI COURTS, DELHI & ORS. Respondent

Through : Mr. Santosh K. Tripathi, ASG, GNCTD
Mr. Sanjay Dewan, Advocate for R-1.
Mr. Chetan Lokur, Mr. Viraj R. Datar
and Mr. Karan Mehta, Advocates.

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+ W.P.(C) 5394/2011
CIVIL AND SESSIONS COURTS DRIVER
WELFARE ASSOCIATION (REGD) Petitioner

Through : Mr. P. S. Bindra, Mr. Shweta
Priyadarshani, Advocates

versus

THE DISTRICT AND SESSIONS JUDGE,
TIS HAZARI COURTS Respondent

Through : Mr. Santosh K. Tripathi, ASG, GNCTD
Mr. Sanjay Dewan, Advocate for R-1.
Mr. Chetan Lokur, Mr. Viraj R. Datar
and Mr. Karan Mehta, Advocates.
Mr. Ajay Digpaul, Advocate for CGSC
Mr. Kunal Punj, Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
% **09.07.2015**

All the above matters have been heard together and are being disposed of by a common order.

Before we refer to some of the material facts of these writ petitions, we may note that the Division Bench while passing the order dated 03.04.2014 had observed :

“We reiterate that the only issue which survives in this writ petition is with regard

to the arrears for the period prior to the notification with effect from 01.01.1996.”

The petitioners are working in the various District Courts as Process Servers [W. P. (C) 4964/2011], Stenographers [W. P. (C) 5392/2011], Peon/Orderly and Dak Peons as Group-D Employees [W. P. (C) 5085/2011] and Drivers [W. P. (C) 5394/2011].

Learned Counsel for the petitioners submits that on 17.02.2012, the Division Bench had passed the following order:

“We may also point out that there are many serious anomalies which need to be corrected in view of the decision in Mirza Zahid Beg. An illustration of such an anomaly is that the Stenographers and the Upper Division Clerks are getting lower salaries than the Lower Division Clerks, though both of them are higher to LDCs and were earlier getting higher pays. There are similar anomalies in the sense that people doing the same work are not being paid equally. It is for this reason that there is urgency in this matter and the directions have been issued keeping this in mind.”

In the backdrop of this order, we are informed that during the pendency of these Writ Petitions, Respondent No. 2/ High Court of Delhi has framed Rules known as Delhi District Courts Establishment (Appointment and Conditions of Service) Rules, 2012. Having regard to the fact that the Rules have been set in place, learned counsel appearing for the petitioners in all these matters reiterates the observations made by the Division Bench on 03.04.2014.

Learned counsel for the parties submit that the only issue which now requires consideration is the payment of arrears. Learned counsel for the petitioners on instructions from the petitioners also submits that in case the arrears are released, they would forego the interest on the

amount. It is further submitted that pay scales of all three categories of personnel i.e. Stenographers, Process Servers and Drivers, who are before this Court, are higher or equivalent to the pay scale of Lower Division Clerks and since the Lower Division Clerks have been granted benefit since 01.01.1996, the same benefit should be granted to them.

Learned counsel for Group-D Employees being Peons/Orderlies and Dak Peons in W. P. (C) 5085/2011 submits that Group-D employees would also be entitled to the aforesaid benefit since 01.01.1996 on the basis of parity.

Learned counsel appearing for Delhi Government is unable to show any reason as to why persons who are placed either equivalent to Lower Division Clerks or higher can be deprived of the benefit since 01.01.1996 when such benefit was granted to Lower Division Clerks.

The Delhi Government is directed to grant the same benefits to Stenographers in W. P. (C) 5392/2011, Process Servers in W. P. (C) 4964/2011, Drivers in W. P. (C) 5394/2011 and Peons/Orderlies and Dak Peons in W. P. (C) 5085/2011 as granted to Lower Division Clerks from 01.01.1996.

Learned counsel for Delhi Government submits that Government is unable to consider the request of the petitioners as they have not received any such proposal.

It is directed that Respondent No. 1 will make a proposal to the Delhi Government within one month and Delhi Government will consider the same in the light of the judgment passed by this Court, within three months, as prayed.

In view of the fact that Delhi District Courts Establishment (Appointment and Conditions of Service) Rules, 2012 have been framed by the High Court of Delhi, the petitioners and similarly situate persons shall be entitled to the revised pay scale. Delhi Government shall pay the salary to the petitioners and similarly situate persons, from the month of August, 2015 onwards as per revised pay scale.

Petitions stand disposed of.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J.

JULY 09, 2015
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