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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5798/2016**
RAJARAM

..... Petitioner

Through: Ms. Kiran Sharma, Adv.

versus

THE CHAIRMAN NATIONAL INSURANCE CO LTD AND ANR

..... Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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12.07.2016

1. This is a petition filed by the petitioner seeking the following reliefs:-
“a) issue of a writ for mandamus or any other appropriate writ thereby directing the respondents to consider the services of the petitioner from 1988 and fix the salary from 2000 as a subordinate staff/employee (4th grade) similarly working with the respondent no.1 since 1988 and also directed the respondents to pay arrears of pay to the petitioner;
b) pass such any other or further order which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”
2. It is noted from the petition, that the petitioner was initially engaged as a part time Sweeper on December 1, 1988. It is the case of the petitioner that he was being paid 20% of the salary of 4th Grade and with effect from 1991, the duty time of the petitioner was enhanced from 2 hours to 3 hours and the petitioner was being paid 30% of the salary of the 4th grade

employee, even though he was entitled to 50% of the salary. It is also noted from the petition that the petitioner was appointed on regular basis, as full time Safai Karamchari on June 6, 2000 and since then, he is being paid salary/scale as a permanent employee.

3. It is averred in the petition that ignoring his service from 1988, the new pay-scale has been given from the year 2000. It is also averred that the petitioner had made several representations to consider his service and fixation of salary by assessing his service from the year 1988. Suffice to state, the first representation, which is on record, is of the year 2004 and the legal notices are of the year 2014 and 2016. It is noted that the terms of appointment given to the petitioner, clearly stipulates that he is being appointed in the pay-scale of Rs.1600-3020. There is no dispute that thereafter, the petitioner is being paid the salary in a pay-scale, as a regular employee, the plea of the petitioner now, that the respondent should consider the service of the petitioner from 1988 to re-fix the salary from 2000, is not sustainable, more particularly it is a conceded position, the petitioner during that period was engaged as a part time Sweeper. The petition is hit by delay and laches also. The same is dismissed.

V. KAMESWAR RAO, J

JULY 12, 2016/ak