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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3894/2016

M.L. SAINI & ORS

..... Petitioner

Through: Mr. S.W. Nadiar, Adv.

versus

UNION OF INDIA & ANR

..... Respondent

Through: Ms. Sushila Narang and Mr. Saroj
Bidawat, Advs.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

06.05.2016

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We have heard the learned counsel appearing for the petitioners and the respondents.

2. The petitioner herein had filed O.A. No. 3124 of 2012 seeking parity and equal pay for equal work relying upon the report submitted by the Anomaly Committee after the 5th Pay Commission report.

3. We agree and accept the finding of the Tribunal that the Anomaly Committee report which was in favour of the petitioners would not by itself justify and mandate grant of the prayers made in the O.A. The Tribunal records that the Anomaly Committee report was placed before the 6th Pay Commission, who did not upgrade the pay scales of the petitioners. The earlier pay scales were reiterated, with the petitioners' being granted replacement pay scales.

4. After some hearing, learned counsel for the petitioners submits that the matter may be remanded to the Tribunal with liberty to the petitioners to amend the O.A. and place on record relevant documents to support the petitioners' claim for parity with Administrative

Assistants and Scientific Assistants in the India Meteorological Department who have been granted Grade Pay of Rs.4200/- in PB-II. He agrees that the petitioners/applicants have to plead and show equivalence in the form of recruitment process, educational qualifications and other eligibility requirements, nature of duties and responsibilities, etc. It is urged some such documents have been filed with this writ petition. It is also submitted that the grade pay of the petitioner has not been correctly fixed in terms of the 6th Pay Commission Report.

5. Learned counsel for the petitioners has submitted that the petitioners possibly did not rely on these documents as they were relying primarily on the Anomaly Committee report. It is apparent that the lapse and failure in the present case is on account of the failure to understand the requirements of law. The petitioner state that they were not properly guided. They should be given one opportunity.

6. In view of the aforesaid position set out by the petitioners, we set aside the impugned order of the Tribunal dated 29.05.2015 and give liberty to the petitioners to amend the aforesaid O.A. and place on record the relevant material to justify and support their claim for parity and equal pay for equal work.

7. To cut short the delay, the parties are directed to appear before the Tribunal on 26.05.2016, when a date of hearing will be fixed.

SANJIV KHANNA, J.

MAY 06, 2016/acm

NAJMI WAZIRI, J.