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

+ **W.P.(C) 4941/2016**

THE UNION OF INDIA & ORS. Petitioners

Through Ms.Sunieta Ojha, Adv.

versus

SHARDA

..... Respondent

Through Devesh Singh, ASC, for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **31.05.2016**

C.M.No.20550/2016

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 4941/2016 & C.M.No.20551/2016 (Stay)

1. The respondent was promoted as a Tailor with effect from 1st September, 2006 and granted pay-scale of Rs.3050-4590 in the skilled category. The petitioners claim that the aforesaid pay-scale was wrongly fixed as post of Tailor was semi-skilled and subsequently upgraded to skilled category vide SRO 38 dated 18th December, 2009. The petitioners had therefore rightly directed recovery of arrears and re-fixed the pay-scale of the respondent for the period 1st September, 2006 to 18th December, 2009 in the scale of 2650-4000 pre-revised [revised pay band scale of Rs.5200-20200/- with grade pay of Rs.1900/-].

2. In our opinion the contention of the petitioner is ill founded and reliance placed upon the SRO 38 dated 18th December, 2009 is inconsequential. The dispute as to whether the post of Tailor falls in the

skilled or semi-skilled category was sub judice and has been subject matter of various orders passed by the Tribunal including order dated 19th October, 2005 in O.A.No. 158/1994.

This controversy was examined by the Delhi High Court in writ petition No. 1425/2007 *Bhagwati vs. UOI & Ors.* and vide judgment dated 19th August, 2010 it was held that Tailors after the Third Pay Commission were rightly treated as skilled workers, pursuant to the recommendations of the Anomaly Committee. The petitioners had initially given benefit of the recommendations of the Anomaly Committee, but these were subsequently wrongly withdrawn. Thus, the judgment of the Delhi High Court in *Bhagwati (supra)* holds that the post of Tailor would fall in the category of skilled workers. This decision had clarified that the Court had not directly applied the principle of “equal pay for equal work”, but the issue related to categorisation of pay-scale of the persons engaged as Boiler Attendant, Boot Maker, Carpenter, Painter, Electrician etc. The tailors were held to be skilled workers. This judgment of a division bench, is a binding precedent and applicable.

3. This being the position the writ petition has no merit and is accordingly dismissed.

4. Pending application also stands disposed of.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MAY 31, 2016/mr