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

+ W.P.(C) 1201/2016

VEDWANTI AND ORS

..... Petitioners

Through: Ms. Rashmi Chopra & Ms. Asiya,  
Advocates

versus

CHIEF SECRETARY GOVT OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Devesh Singh, ASC with Mr.  
K.K. Bhati, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE SANJIV KHANNA**

**HON'BLE MR. JUSTICE CHANDER SHEKHAR**

**ORDER**

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**07.03.2017**

The petitioners herein, 15 in number, impugn the order dated 31.10.2015 passed by the Principal Bench of Central Administrative Tribunal, whereby OA No.2558/2014 filed by them has been dismissed. We need not refer in detail to the factual matrix as a limited issue arises for consideration.

2. The petitioners herein are contractual employees, who are working on different posts in Chaudhary Brahm Prakash Engineering College ('CBPEC'), established by the Department of Training & Technical Education, Government of National Capital Territory of Delhi ('GNCTD'). The contention of the petitioners is that they are entitled to same salary and benefits as granted to other contractual employees working under the GNCTD. They are entitled to allowances like DA, HRA, leave benefits etc.

Learned counsel for the petitioners has also drawn our attention to the decision of this Court dated 6.11.2013 in **WP(C) No.6798/2002, Sonia Gandhi & Ors. v. GNCT of Delhi & Ors.**, wherein the contractual employees, it was held, were entitled to minimum of pay, i.e., the basic pay at the induction stage, in addition to allowances, including HRA and TA. Reference is also made to the judgment dated 1.11.2013 passed in **WP(C) No.2915/2013, Chief Secretary, GNCT of Delhi & Anr. v. Satish Kumar & Ors.**, wherein the contractual employees were held to be entitled to benefits like DA and HRA. The question of maternity benefit has also been examined in this case. The recent decision of the Supreme Court in **State of Punjab v. Jagjit Singh, AIR 2016 SC 5176**, settles the issue and affirms the principle of “equal pay for equal work”. We also find that the issue is covered and settled by the decisions of the Delhi High Court in **Victoria Massey versus GNCT of Delhi**, W.P.(C) No.8764/2008, decided on 22<sup>nd</sup> May, 2009, **Rajesh Kumar Sharma and Others versus GNCT of Delhi and Others**, W.P.(C) No. 3769/2013, decided on 4<sup>th</sup> July, 2013, **NCT of Delhi and Others versus Pramod Kumar and Others**, W.P. (C) No. 3676/2011, decided on 1<sup>st</sup> March, 2013, **Deen Dayal Upadhyaya Hospital represented by its Medical Superintendent and Others versus Mahesh Bhardwaj and Others**, W.P. (C) No. 4863/2012, decided on 15<sup>th</sup> February, 2013, **Dr. Baba Sahib Ambedkar Hospital represented by its Medical Superintendent and Others versus Swastika Bhakat and Others**, W.P. (C) No. 424/2013 with connected petition, decided on 24<sup>th</sup> May, 2013.

3. In view of the aforesaid legal position, we hold that the petitioners herein would be entitled to minimum of basic pay + grade pay + DA+HRA

and TA. Learned counsel for the petitioners states that the other contractual employees are also being given advantage or benefit of Earned Leave. She relies on the order dated 1.10.2015 passed by the GNCTD whereby two additional benefits, i.e. 15 days Earned Leave in each case and maternity leave as applicable to regular employees has been granted. The respondents having passed the said orders will be bound by the same.

4. The writ petition is accordingly allowed, to the extent indicated above. The aforesaid payments would be effective from the date OA No.2558/2014 was filed. Petitioner No.7, namely, Manoj Dabas, during the pendency of the present writ petition, had resigned from the post of Worksheet Instructor in CBPEC. He would be paid arrears only upto the date he had worked. Compliance would be made within a period of 8 weeks from the date a copy of this order is received. In case payments are delayed beyond eight weeks, the petitioners will be entitled to interest @ 8% p.a. from the date of this order till payments are made.

**SANJIV KHANNA, J**

**CHANDER SHEKHAR, J**

**MARCH 07, 2017/tp**