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

+ LPA 512/2016 & CM No.34023/2016

UMA SHANKAR GAUR

..... Appellant

Through: Ms. Rekha Giri for Mr. R.K. Kapoor,
Adv.

versus

THE GENERAL MANAGER

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

11.09.2017

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1. The appellant is aggrieved by the Single Judge's rejection of the writ petition. The claim of the proceeding was to seek a direction to extend the equal pay for equal work principle and ensure parity of pay scale and revised pay scales to the petitioner. The claim was for the period from 1991 to 2011. The Single Judge declined to exercise discretion essentially on the premise that Super Bazar – the management was not the State. What appears to have weighed with the Single Judge is the circumstance initially that Super Bazar had been directed to be wound up. The appellant had approached the Supreme Court directly by filing a Special Leave Petition which was permitted to be withdrawn on 05.07.2016 with liberty to approach the Division Bench of this Court, which he did eventually.

2. Counsel endeavoured to urge that Super Bazar is a multi-state co-operative society – the shareholding of which is predominantly that of the Central Government and that as long as such shareholding is not divested, its responsibility as a State has to be discharged. Learned counsel also relied

upon some orders to say that the Supreme Court is seized of the question with respect to attempts at revival of the Super Bazar.

3. This Court is of the opinion that irrespective of the contention that Super Bazar is a State under Article 12 or whether a remedy under Article 226 is available, the appellant is entitled to the normal remedies under the Industrial Disputes Act, 1947 i.e. to seek the reference before the concerned industrial tribunal. Learned counsel for the appellant was agreeable to this opinion of the Court.

4. In these circumstances, the appellant is at liberty to raise the dispute pertaining to the claim which is the subject matter of the writ petition i.e. the one relating to parity of pay on the principle of equal pay for equal work, before the appropriate Government (Central Government) within four weeks. The appropriate Government then shall issue suitable orders referring the dispute to the concerned Central Government Industrial Tribunal (CGIT) within ten weeks with notice to the appellant. The Tribunal shall decide the reference at its expedient convenience in accordance with law. All rights and contentions of the parties are reserved.

Appeal is disposed of in the above terms.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 11, 2017

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