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

+ **W.P.(C) 1293/2015 & CM No. 673/2019**

**ASSOCIATION OF 174 TROLLEY RETRIEVERS OF
DIAL THROUGH THEIR REPRESENTATIVE Petitioner**

Through: Dr Sumant Bharadwaj, Mrs Mridula
Ray Bharadwaj and Mr Amol
Chitravanshi, Advocates.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr Jaswinder Singh, Ms Shipra
Shukla and Ms Saroj Bidawat,
Advocates for R-1/UOI.
Mr Abhinav Vasisth, Senior Advocate
with Mr Milanka Chaudhury, Mr
Abhinav Agnihotri and Ms Abhilasha
Singh, Advocates for R-2/DIAL.
Ms Anjana Gosain, Ms Rabiya
Thakur and Ms Shalini Nair,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.04.2019

CM APPL. 673/2019

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

- “(a) Execute the order and judgment of the Hon’ble Delhi High Court’s order dated 22.07.2014 in Civil Writ Petition No. 5283/2012 following the judgment of the Hon’ble Supreme Court dated 15.09.2011 in Civil Appeal No. 7876/2011 within a fixed time limit as deemed fit and proper in the facts and circumstances of

the present case ;

- (b) Carry out the directions of the Hon'ble High Court of Delhi based on the directions of Hon'ble Supreme Court in paragraph 86 and 87 of its judgement to regularise the employment of workers already employed in retrieval of trollies as its regular employees;
- (c) Pay the petitioners a salary as applicable to regular employees instead of daily wages that are being paid at present with consequential benefits from the date of Judgement of the Supreme Court;”

2. The petitioners are trolley workers who were engaged by respondent no.2 (Delhi International Airport Limited – DIAL) through various contractors.

3. The petitioners claim that in terms of the notification dated 26.07.2004 issued by the Government of India, Ministry of Labour, DIAL was obliged to abolish the contract labour and absorb the petitioners as their regular employees. The aforesaid claim was accepted by the Supreme Court in its judgment dated 15.09.2011 passed in *Civil Appeal No. 7876 of 2011* captioned *I.G. Airport T.D.I. Karamchari Union v. Union of India and Ors. and other connected matters*.

4. DIAL had sought to implement the aforesaid order by issuing separate appointment letters to the petitioners accepting them as their employees. However, their term of employment was restricted to six months. The petitioners claimed that the same did not comply with the directions of the Supreme Court, as DIAL was required to regularise the employment of all trolley workers. DIAL has now filed the present application affirming that

the said grievance does not survive since all of the employees have now been absorbed as its regular employees, and their term of the employment is not limited to a period of six months but is extended till they attain the age of superannuation. Accordingly, DIAL prays that the present petition be disposed of.

5. The learned counsel appearing for the petitioners contests the aforesaid prayer. He states that although the petitioners have been accepted as regular employees of DIAL, DIAL is not treating them uniformly. He points out that wages being paid to the petitioners are not uniform. He states that there are several employees who are being paid the basic pay of ₹10,800/- while the other similarly placed workers are put in the wage grade of ₹8,800/-. He also submits that the pay scale of the petitioners is lower than the lowest scale offered to the other employees of DIAL.

6. Mr Vasisht, learned senior counsel appearing for DIAL submits that wages of the petitioners have been fixed keeping in view of various criteria and as per DIAL's policy, and the grievance of the petitioners in this regard cannot be examined in this petition. He submits that the grievance of the petitioners in this petition was limited to not being accepted as regular employees of DIAL and the said grievance has been redressed.

7. The above contention is merited. This Court does not consider it apposite to examine the wage structure of DIAL *vis-a-vis* its various employees in this petition. Since it is not disputed that the petitioners are now regular employees of DIAL, the grievance articulated by the petitioners in the present petition does not survive.

8. Insofar as the grievance of the petitioners regarding discrimination in payment of wages is concerned, the same is a separate issue and the petitioners are not precluded from agitating the same in separate proceedings in accordance with law.

9. In view of the above, no further orders are required to be passed in the present petition. The same is, accordingly, disposed of. The pending application also stands disposed of.

VIBHU BAKHRU, J

APRIL 05, 2019
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