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

% *Date of Decision: 13th February, 2023*

+ **W.P.(C) 9164/2020 & C.M. APPL. 29651/2020**

MIHIR KUMAR JENA & ORS. Petitioners

Through: Mr. Arvind Nayar, Senior Advocate with Mr. Sushant Kumar, Mr. Shubham Pandey, Mr. Akshay Joshi and Ms. Mehek Bhalla, Advocates.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Om Prakash, Mr. Chandresh Pratap, Ms. Swati Mishra and Mr. Parnashree Rej Banerjee, Advocates for Union of India.

Mr. Om Prakash and Mr. Vicky Kumar, Advocates for R-3 to 6.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present writ petition has been filed by the Petitioners seeking the following reliefs:-

"i) Issue a writ in the nature of Mandamus directing the Respondent Corporation to pay wages to the petitioners who are casual workers working at ParsaKhera Depot of the Respondent Corporation equivalent to the wages payable to the Department or regular cadre workers or at least pay wages at rates equivalent to the lowest of the scale of pay given to the other Departmental/regular Cadre workers working in the organization in that region in terms of the Judgment rendered by the Hon'ble Apex court in the case titled as State of Punjab & Ors Vs. Jagjit Singh & Ors. Civil Appeal No. 213 of 2013.

ii) Issue appropriate direction directing Respondent Corporation to consider and act upon the representation made by the Petitioners in accordance to law and in terms of the Judgment rendered by the

Hon'ble Apex court in the case titled as State of Punjab & Ors Vs. Jagjit Singh & Ors. Civil Appeal No. 213 of 2013."

2. This writ petition has been pending in this Court since the year 2020 and notice has not been issued on account of multiple preliminary objections raised by the Respondents as well as owing to Pandemic Covid-19. Detailed affidavit has been filed on behalf of the Petitioners responding to the objections taken by the Respondents.

3. Learned counsel for the Petitioners, on instructions, submits that at this stage, it would suffice if Petitioners are permitted to make a comprehensive and detailed representation to the Respondents bringing to their attention the grievances pertaining to pay parity, as brought out in the writ petition in light of the judgment of the Supreme Court in *State of Punjab and Others v. Jagjit Singh and Others, (2017) 1 SCC 148*.

4. Let a comprehensive representation be made by the Petitioners within a period of three weeks from today. The representation will be considered within six weeks from the date of receipt of the representation and a decision shall be taken thereon. Needless to state that the Respondents shall pass a reasoned and speaking order on the representation and the order shall be communicated to the Petitioners. In case the Petitioners have any surviving grievance after receipt of the decision, they shall be at liberty to take recourse to remedies available to them, in accordance with law.

5. It is made clear that this Court has not entered into the merits of the matter or even the availability of alternate remedy to the Petitioners under the Industrial Disputes Act, 1948 which is one of the preliminary objections raised by the Respondents. All contentions and questions of law raised by the respective parties in the present petition are left open.

6. Writ petition is disposed of in the aforesaid terms along with the pending application.

JYOTI SINGH, J

FEBRUARY 13, 2023/kks/shivam

