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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2895/2019

BRAHAMPAL

..... Petitioner

Through: Mr.Shivanshu Bhardwaj, Mr.Mridul
Gaur & Mr.Rajiv Singh, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms.Arunima Dwivedi, CGSC with
Ms.Pinky Pawar & Mr.Aakash Pathak, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

29.04.2024

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1. The present petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 18.01.2018 passed by the learned Central Administrative Tribunal (Tribunal) in OA No.1331/2013. Vide the impugned order, the learned Tribunal has rejected the petitioner's challenge to the order dated 10.02.2012 passed by the respondent granting pay parity to the petitioner with the Printing Staff working in the Defence Establishment in purported compliance of the directions issued by this Court on 27.05.2009 in W.P.(C)7926/2003 and other connected writ petitions wherein a co-ordinate bench of this Court held as under:

“10. It, thus, submitted that when the benefit is extended to Engineer-in- Chief s Branch, which is a part of MES, and it is also extended to the Printing Machine Operator as well as Printers working in Ordnance Services Directorate (Army HQ), there was



no reason not to extend the same benefit to the Book Binders. Machine Minders, Proof Readers, etc. Learned counsel for the petitioner also relies upon the recent judgment of the Supreme Court in the case of Union of India vs. Dineshan K.K., (2008) 1 SCC (L&S) 248 and submits that on the basis of the principle laid down therein expounding the doctrine of 'equal pay for equal work' the petitioners would clearly be entitled to the benefit of higher pay-scale of Rs.4000-6000 and Rs.4500-7000 respectively.

11. xxx

12. xxx

13. We, therefore, set aside the impugned judgment as well as action of the respondent and remit the case back to the Government to decide as to whether the petitioners are entitled to pay-parity with their counterparts in the Government of India Presses. While taking decision, the Government shall keep in mind the ratio of the judgment of the Supreme Court in the case of Dineshan K.K. (supra) as well as its own office order dated 12.8.2004. Exercise in this behalf shall be undertaken and completed within three months. In case it is found that the petitioners herein are entitled to pay parity, as in the case of the other staff holding the same pay-scale in the Government of India Presses, the petitioner shall be given the benefit of the pay-scale with effect from 1.1.1996, along with arrears, etc."

2. By drawing our attention to the observations made by the Division Bench in paragraph no.10 of the judgment as also the directions recorded in paragraph no.13 thereof, learned counsel for the petitioner submits that it was open for the respondents to consider as to whether the petitioners, who were working as Binders in Military Engineer



Services (MES), could be given complete pay parity with the Binders working in the Presses run by the Central Government. The respondents were expected to examine the entire factual matrix and not just grant the petitioners the pay scale of an additional Binder as against his claim for grant of pay scale of a Binder. He, therefore, prays that the impugned order be set aside.

3. On the other hand, learned counsel for the respondents supports the impugned order and submits that the reason for not granting pay scale of a Binder working in a Press run by the Central Government, to the petitioner is evident from the counter affidavit filed before the learned Tribunal wherein it has been averred that:

“2. That the Petitioner (MES-374243, Book Binder) was appointed on 09.10.1989 in the pay scale of Rs. 950-1150-25-1500. Petitioner was working in printing section of E-in-C's Branch of MoD/MES. During the fixation of pay after recommendation of 5th Central Pay commission, Petitioner's pay was erroneously fixed in the pay scale of 4000-6000 instead of 3050-4950, which was objected by audit authorities and hence was reverted back in the legitimate pay scale i.e.3050-4950.

7. That there is no specific recommendation of the 5th CPC for Book Binders and the benefit has been limited only to certain categories of posts in the Printing Press Staff working in the Defence establishment i.e. Compositor, Printing Machine Operator & Printer.”

4. She, therefore, prays that the writ petition be dismissed.
5. Having considered the submissions of learned counsel for the parties, we are of the view that once there was a specific direction to the respondents to pass a reasoned and speaking order by considering as



to whether the petitioner could be granted pay parity with Binders working in a Press run by the Central Government, it was incumbent upon the respondents to give all reasons in the speaking order, which they have, admittedly, failed to do.

6. This aspect, which goes to the very root of the matter, has been overlooked by the learned Tribunal.
7. We, therefore, allow the writ petition by setting aside the impugned order dated 18.01.2018 passed by the learned Tribunal as also the earlier order dated 10.02.2012 passed by the respondents.
8. As prayed for, the respondents are, therefore, granted four weeks' time to pass a well reasoned and speaking order in compliance of the judgment dated 27.05.2009 in W.P.(C)7926/2003 and other connected writ petitions. It goes without saying that while passing a fresh order, the respondents will compare the recruitment rules of the post on which the petitioner was working *vis-à-vis* the rules pertaining to the post of Binder working in the Central Government run Presses.
9. Needless to state, if the petitioner is aggrieved by the orders passed by the respondent, it will be open for them to seek legal recourse as permissible in law.
10. The writ petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

APRIL 29, 2024/kk