



2024:DHC:3778



\$~19 to 22 (*common order*)

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

% Judgment delivered on: 07.05.2024

(19)

+ W.P.(C) 12850/2018 & CM APPL.49087/2022,
CM APPL.21303/2023

THOMAS ABRAHAM AND ANR Petitioners
Through: Mr. Swarn Kumar, Mr. Ghanshyam
Mishra and Ms. Jayanti Jha,
Advocates.
versus

DELHI SIKH GURUDWARA MANAGEMENT COMMITTEE
AND ANR Respondents
Through: Mr. Abinash Kumar Mishra and Mr.
Gaurav Kumar Pandey, Advocates
(through VC).

(20)

+ W.P.(C) 8144/2019 & CM APPL.51427/2022,
CM APPL.21304/2023

JASHMEET KAUR KOHLI & ANR. Petitioners
Through: Mr. Swarn Kumar, Mr. Ghanshyam
Mishra and Ms. Jayanti Jha,
Advocates.
versus

DELHI SIKH GURUDWARA MANAGEMENT AND ANR.
..... Respondents
Through: Mr. Abinash Kumar Mishra and Mr.
Gaurav Kumar Pandey, Advocates
(through VC).

(21)

+ W.P.(C) 4157/2019 & CM APPL. 48856/2022, CM APPL.
21089/2023, CM APPL. 26917/2024, CM APPL. 27058/2024

AVNEET KAUR AND ORS. Petitioners

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W.P.(C) 12850/2018 & connected matters

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Through: Mr. Swarn Kumar, Mr. Ghanshyam Mishra and Ms. Jayanti Jha,
Advocates with petitioner no.1 in person.

versus

DELHI SIKH GURUDWARA MANAGEMENT COMMITTEE
AND ANR. Respondents

Through: Mr. Abinash Kumar Mishra and
Mr. Gaurav Kumar Pandey,
Advocates R-2/DOE (through VC).

(22)

+ W.P.(C) 11877/2019 & CM APPL. 28461/2023, CM APPL. 56744/2023

KASHMIR SINGH AND ANR. Petitioners

Through: Mr. Swarn Kumar, Mr. Ghanshyam Mishra and Ms. Jayanti Jha,
Advocates.

versus

DELHI SIKH GURUDWARA MANAGEMENT COMMITTEE
AND ANR. Respondents

Through: Mr. Abinash Kumar Mishra and
Mr. Gaurav Kumar Pandey,
Advocates (through VC).

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T

TUSHAR RAO GEDELA, J. (ORAL)

(The proceeding has been conducted through Hybrid Mode)

1. After some arguments, learned counsel appearing for the petitioners hands over a hard copy of the rejoinder filed on behalf of the petitioner in

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W.P.(C) 4157/2019, captioned Avneet Kaur & Ors. vs. Delhi Sikh Gurudwara Management Committee & Ors. enclosing therewith what is stated to be a notification issued by the respondent no.1 pertaining to new grades of employees of DSGMC from November, 2016 wherein the designations alongwith the old grade and the new grade of pay has been indicated.

2. Learned counsel invites attention of this Court to Serial No.9 which is in respect of some of the employees including Lab Technician, who are now covered under the new grade i.e. Rs.9300 – 34,800/- with an equivalent amount of grade pay of Rs.4200/-.

3. The dispute which has been presented before this Court is in respect of the grade pay which the petitioners submit that the respondent no.1 is paying them lesser than Rs.4,200/- though they are entitled to such revised grade pay. He further submits that such grades have also been further revised in 2019 too as per instructions. He submits that all that the petitioners seek is that they should also be given parity so far as grade pay is concerned.

4. *Per Contra*, Mr. Mishra, learned counsel appearing for the respondent objects to the very maintainability of the present petitions having regard to Sections 32 & 33 of the Delhi Sikh Gurudwaras Act, 1971 and also relies upon a number of judgments passed by the learned Division Bench as well as the Coordinate Benches of this Court. He relies upon the latest judgment of the Coordinate Bench of this Court in ***Om Prakash & Ors. vs. Gurunanak Institute of Management & Information Technology & Ors.*** and Batch in W.P.(C) 8529/2017 pronounced on 15.03.2024,



whereby the Single Bench after considering the law in this regard has come to the firm conclusion that the disputes between the employees and the respondent no.1 are covered under the said Act and the petitioners therein were directed to approach the Competent District Court for redressal of their grievances.

5. However, keeping in mind the submissions made today, Mr. Mishra, learned counsel for the respondents, without prejudice to his rights and contentions on the maintainability submits that on the issue of applicability of the said document, on which he is yet to obtain instructions, the respondents would consider the representation of the petitioners to that extent.

6. On the basis of the aforesaid submissions, this Court is of the considered opinion that the document placed alongwith the rejoinder, which appears to be grade pay of the employees of DSGMC, though yet to be verified by Mr. Mishra, may be taken into consideration and any other further revision as stated in the year 2019, if at all, may also be taken into consideration for the purpose of pay and parity on the grade pay of Rs.4,200/- as sought.

7. The present writ petition may be taken as representation on behalf of the petitioners to the Competent Authority of respondent no.1. The Competent Authority of respondent no.1 shall consider and dispose of the same by a speaking order within a period of eight weeks from today.

8. The petitioners may be afforded an opportunity of hearing in support of their representation. The date, time and venue of such hearing may also be communicated to the petitioners well in advance.



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9. The aforesaid consideration is without prejudice to the rights of the respondents *qua* the maintainability of the petitions before this Court. It is expected that the Competent Authority shall consider the same sympathetically too.

10. In view of the aforesaid directions, the writ petitions are disposed of with no order as to costs, reserving the rights of the respondents as stated above.

W.P.(C) 4157/2019

11. Under instructions from the petitioner no.1, who is present in person in Court, learned counsel seeks to withdraw the present petition *qua* petitioner no.1 since she has already been granted the relief she sought and she seeks to withdraw herself from this petition.

12. In view of the above, the petition of petitioner no.1 is withdrawn. However, in respect of petitioner nos.2, 3 & 4, the petition shall continue.

13. In view of the order passed in W.P.(C) Nos.12850/2018, 8144/2019, 11877/2019 as aforesaid, the petition *qua* petitioners nos.2, 3 & 4 is also disposed of in the same terms.

TUSHAR RAO GEDELA, J.

MAY 7, 2024/ KCT