



2025:DHC:6273-DB



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

Date of decision: 31.07.2025

+ W.P.(C) 11089/2025 & CM APPL. 45633/2025

MUNICIPAL CORPORATION OF DELHIPetitioner

Through: Dr.Divya Swamy, SC for MCD
with Ms.Yagyawalkya Singh,
Mr.Yash Jain & Mr.Shikhar
Rusia, Advs.

versus

SHAHNAZ PERVEEN & ANR.

.....Respondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 21.05.2025, passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1683/2019, titled ***Shahnaz Perveen & Anr. v. Municipal Corporation of Delhi***, whereby the said O.A. filed by the respondents herein was allowed with the following directions:-

“9. In conclusion, based on the analysis of the case and the relevant judgments, we direct the respondents to pay the applicants the salary at the minimum of the pay scale/pay band of the respective post along with Dearness



Allowance and other emoluments payable to a newly recruited regular teacher in light of the decision taken by SDMC on 21.11.2017. The respondents are directed to pay the salary to the applicants accordingly forthwith, along with differential arrears of pay/emoluments w.e.f. 01.01.2016, but without interest, provided the payment is made within three months from the date of receipt of a copy of this order.

10. If the respondents fail to comply with the aforesaid direction within the stipulated period, the applicants shall be entitled to interest at the General Provident Fund (GPF) rate on the arrears payable to them. This order shall be complied with by the respondents in accordance with the law. With these directions, the OA stands allowed in the above terms.”

2. To give the brief background of facts in which the present petition arises, the respondents were appointed as Contractual Teachers and have been working with the petitioner since around 2003. They had approached the learned Tribunal seeking salary at the “minimum of the pay-scale as per the 7th Central Pay Commission” (in short, ‘CPC’).

3. The learned Tribunal, by the Impugned Order, by placing reliance on the Judgment of the Supreme Court in ***State of Punjab & Ors. v. Jagjit Singh & Ors.***, (2017) 1 SCC 148, has granted the above relief to the respondents.

4. The learned counsel for the petitioner submits that the learned Tribunal has granted the relief beyond the prayer made by the respondents. She submits that the only relief sought before the learned Tribunal was for the grant of salary at the “minimum of the pay-scale



as per the 7th CPC” with effect from 01.01.2016, however, by the Impugned Order, the learned Tribunal, apart from granting the benefits of the 7th CPC, further directed the petitioner to pay the Dearness Allowances and other emoluments payable as are payable to a newly recruited regular teacher.

5. Placing reliance on the Judgment of the Supreme Court in ***Manohar Lal (Dead) by Lrs. v. Ugresen (Dead) by Lrs. & Ors.***, (2010) 11 SCC 557, and of this Court in ***Akella Lalitha v. Konda Hanumanthah Rao & Anr.***, 2022 SCC OnLine SC 928, she submits that the relief beyond the prayer made, cannot be granted.

6. She further submits that the learned Tribunal, in the Impugned Order, has relied upon its earlier order dated 20.12.2023 passed in O.A. No. 1558/2020, titled ***Aditi Kumari v. GNCTD & Anr.***, which has been stayed by this Court in W.P.(C) No. 14996/2024, titled ***Govt. of NCT of Delhi & Ors. v. Aditi Kumari & Ors.***, vide Order dated 24.10.2024.

7. We have considered the submissions made by the learned counsel for the petitioner; however, we find no merit in the same.

8. In granting the relief, the learned Tribunal has rightly placed reliance on the Judgment of the Supreme Court in ***Jagjit Singh*** (supra), which has, *inter alia*, held as under:

“57. There is no room for any doubt, that the principle of ‘equal pay for equal work’ has emerged from an interpretation of different provisions of the Constitution. The principle has been expounded through a large number of judgments rendered by this Court, and constitutes law declared by this Court. The same is binding on all the courts in India,



under Article 141 of the Constitution of India.

58. In our considered view, it is fallacious and artificial parameters to deny fruits of labour. An employee engaged for the same work, cannot be paid less than another, who performs the same duties and responsibilities. Certainly not, in a welfare state. Such an action besides being demeaning, strikes at the very foundation of human dignity.

9. The above Judgment has been followed by this Court in ***Roshan Khan & Ors. v. Union of India & Ors.***, 2024:DHC:8780-DB; and also in ***Govt. of NCT of Delhi & Ors. v. Kamal Kant Sharma & Ors.***, 2017:DHC:1797-DB.

10. In ***Aditi Kumari*** (supra), from the Order dated 24.10.2024 of this Court, it appears that the issue before the Court was that the respondents therein did not possess the requisite qualifications from a recognized institute. It was on those facts that this Court granted an *interim* order staying the enforcement of the order passed by the learned Tribunal. No such plea has been taken by the petitioner as against the respondents herein before us.

11. As far as the submission made by the learned counsel for the petitioner that the learned Tribunal has granted a relief beyond the prayer made, we again find the same to be without merit.

12. The respondents, in their O.A., had prayed for the grant of salary in accordance with the 7th CPC in terms of the Judgment of the Supreme Court in ***Jagjit Singh*** (supra). As they are performing work similar to permanent employees and in fact, in one of the earlier bifurcated Municipal Corporation, other similarly employees were



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being granted the same, the respondents were entitled the minimum of the pay-scale payable to the direct recruits and the same has been rightly granted to them by the learned Tribunal.

13. We, therefore, find no merit in the present petition. The same is accordingly dismissed. The pending application is also disposed of as being rendered infructuous.

NAVIN CHAWLA, J

MADHU JAIN, J

JULY 31, 2025/Arya/DG