



2025:DHC:4116-DB



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

***Date of decision: 20.05.2025***

+ W.P.(C) 8908/2006

GOVT. OF N.C.T. OF DELHI & ORS .....Petitioners

Through: Mrs. Avnish Ahlawat, Standing  
Counsel GNCTD Services with  
Mr. Nitesh Kr. Singh, Ms.  
Laavanya Kaushik, Ms. Aliza  
Alam, Mr. Mohnish Sehrawat  
& Mr. Amitoj Chadha, Adv.

versus

ANIL KUMAR & ORS. ....Respondents

Through: Mr. S.K. Gupta & Mr. Udit  
Gupta, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (Oral)**

1. This petition has been filed by the petitioners, challenging the Order dated 02.03.2005 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 2291/2004 titled ***Anil Kumar & Ors. v. Govt. of NCT of Delhi & Ors.***

2. By the said Impugned Order, the learned Tribunal has allowed the said O.A. filed by the respondents herein, by setting aside the Order dated 05.09.2004 whereby the petitioners herein had refused to grant upgradation of pay scale of Process Servers to the respondents,



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in pursuance of the judgment dated 04.04.2002 passed by this Court in W.P.(C) No.3060/1989 titled ***Bailiff & Process Servers Association (Regd.) & Ors. v. Delhi Administration Delhi & Ors.***, only on the ground that the respondents were not members of the association that had filed the said Writ Petition before this Court wherein the judgment dated 04.04.2002 had been passed.

3. The learned Tribunal, observing that the petitioners had not refuted the claim of the respondents that they were similarly placed to those who had approached this Court by way of the said Writ Petition, directed the petitioners to extend the benefit of the abovementioned judgment of this Court to the respondents as well, including arrears in pay, which were to be restricted to three years preceding the date of filing of the O.A.

4. By the judgment dated 04.04.2002 passed in W.P.(C) No.3060/1989, this Court had directed that the pay scale of the Bailiffs and the Process Servers working in the District Courts should be the same as that of the Process Servers working in the Family Courts.

5. Based on the said judgment, the respondents had filed a representation seeking upgradation of their pay scale, claiming that they were also similarly placed to the Process Servers and the Bailiffs in the District Courts, though they were working as Process Servers in the Food Adulteration Department of the petitioners.

6. The petitioners, *vide* Order dated 05.09.2004, had rejected the representation of the respondents, solely on the ground that they were



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not members of the association which had filed the said Writ Petition wherein the judgment dated 04.04.2002 had been passed by this Court.

7. Aggrieved thereof, the respondents filed the above O.A. which, as noted hereinabove, was allowed by the learned Tribunal based on the petitioners' own concession that the respondents were similarly placed to the Process Servers and the Bailiffs who had been granted a higher pay scale by this Court.

8. The petitioners have now challenged the above order of the learned Tribunal before this Court, contending that the respondents are not similarly situated to the Process Servers and the Bailiffs of the District Courts. They contend that the respondents are governed by different recruitment rules and do not perform as onerous a job as that performed by the Process Servers and the Bailiffs of the District Courts.

9. We are afraid we cannot go into this question. Once it has already been conceded by the petitioners before the learned Tribunal that the respondents are similarly situated to the Process Servers and the Bailiffs working in the District Courts, the learned Tribunal rightly did not need to have further considered this issue. Once it had been conceded by the petitioners that the respondents were similarly placed as the Process Servers and the Bailiffs working in the District Courts, the respondents could not have been denied a similar pay scale solely on the ground that they were not members of the association that had filed the said Writ Petition before this Court. The application of the



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principle of 'equal pay for equal work' is not based on the respondents being members of the association. Relief has been granted by this Court on the nature of the work being performed by the two sets of employees and other surrounding circumstances. Therefore, as noted hereinabove, once the petitioners had conceded the position that the respondents performed similar work and were otherwise similarly placed to the Process Servers and the Bailiffs of the District Courts, the respondents have rightly been granted the benefit of the relief that was granted to the Process Servers and the Bailiffs of the District Courts in the form of upgradation of their pay scale.

10. We, therefore, find no infirmity in the Impugned Order. The present petition is, accordingly, dismissed.

11. We, however, leave the question of parity between the Process Servers working in the Food Adulteration Department of the Government of NCT of Delhi and the Process Servers and the Bailiffs working in the District Courts, to be considered in an appropriate case if this question, at all, arises.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**MAY 20, 2025**/pr/sm/SJ

*[Click here to check corrigendum, if any](#)*