

Jitender Singh Rathore & Anr vs Union Of India & Ors on 27 February, 2019

Author: Vipin Sanghi

Bench: Vipin Sanghi, A. K. Chawla

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 9533/2015 & CM APPLs. 3079/2017, 27633/2017, 9585/2019

JITENDER SINGH RATHORE & ANR Petitioners
Through: Mr. Santosh Kumar and Mr. Sarthak
Agarwal, Advs.

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Vivek Goyal, CGSC with
Mr.Pawan Pathak, Adv. for R-1 & R-
3 to R-5.
Mr. R. Ramachandran and Ms. Lakshi
Gurung, Advs. for R-2.
Mr. Sandeep Sethi, Sr. Adv. with
Ms.Aishwarya Bhati and
Mr.Damodar Solanki, Advocates for
R-3, 4, 7, 8, 9, 10, 17, 18, 22, 24, 25,
29, 31, 32, 40, 48, 49, 50, 51 & 52.

+ W.P.(C) 11022/2015 & CM APPLs. 3051/2017, 27632/2017

MANGULAL PERTETI & ORS Petitioners
Through: Mr. Santosh Kumar and Mr. Sarthak
Agarwal, Advs.
Mr. Sandeep Sethi, Sr. Adv. with
Ms.Aishwarya Bhati and
Mr.Damodar Solanki, Advocates.

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Ruchir Mishra, Mr. Mukesh Kr.
Tiwrai and Mr. Abhishek Rana, Advs.
for R-1 & R-3 to R-5.
Mr. R. Ramachandran and Ms. Lakshi
Gurung, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA
ORDER

% 27.02.2019 CM No.27633/2017 (by the petitioner under Section 151 CPC) in WP(C) 9533/2015 CM No.27632/2017 (by the petitioner under Section 151 CPC) in WP(C) 11022/2015 Counsel for the petitioners has drawn the attention of the Court, firstly, to the communication dated 01.08.1986 communicating the decision of the President to pay to the daily waged Group-D staff deployed in Nehru Yuva Kendras the salary and allowances and other benefits, as payable to other Group-D staff then working in Nehru Yuva Kendras on regular wages. Our attention is also drawn to the list of drivers employed in Nehru Yuva Kendras at serial no.5 i.e. Mr. Anil Kumar, 20 i.e. Mr. Hanish Kumar Sharma, 33 i.e. Mr. Manoj M. Shrishikhar.

It is submitted that the said drivers were also daily waged drivers, like the petitioners. However, the said drivers have been granted regular pay- scale by an order dated 17.05.2004 placed at page 216 of the record.

On the other hand, submission of learned counsel for the respondent is that in terms of the judgment of the Supreme Court in State of Punjab and Ors. vs. Jagjit Singh and Ors., (2017) 1 SCC 148, the respondent is paying to the petitioners the minimum of the pay-scale. So far as the submission of the petitioner qua the aforesaid three drivers is concerned, attention of the Court is drawn to the averment made in para 10 of the reply wherein, it is stated that the said drivers were appointed prior to 1998 and they were regularised as per the then existing position and, consequently, they are being paid regular pay and allowances. Let the respondent No.2 file an additional affidavit, specifically dealing with the aforesaid aspects, which have not been dealt with earlier.

List on 23.10.2019.

VIPIN SANGHI, J A. K. CHAWLA, J FEBRUARY 27, 2019 nn