

Central Administrative Tribunal, Principal Bench

Original Application No. 74 of 2000

New Delhi, this the 12th day of July, 2000

Hon'ble Mr.Justice Ashok Agarwal Chairman
Hon'ble Mr.V.K.Majotra, Member (Admnv)

1. Shri Tilak Raj Bajaj, S/o Late Sh.Harnam Das Bajaj, R/o 4612, Arya Pura, Subzi Mandi, Delhi-110007. Place of employment: Reader in Industrial Tribunal III, Govt. of N.C.T. of Delhi, Tis Hazari Court, Delhi.
2. Shri R.C.Sharma S/o Sh.(Late), Shanti Swaroop Sharma, R/o QU-130-C, DDA Flats, Pitam Pura, Delhi-110034 Place of employment: Reader in Labour Court No.I, Govt. of N.C.T. of Delhi, Tis Hazari Court, Delhi.
3. Shri K.S.Verma, S/o Sh. Gyan Das, R/o WZ-498,(H-104), Narayana, New Delhi-110028. Place of employment: Reader in Labour Court No.III, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi.
4. Shri Harbhajan Singh, S/o Sh. Gurbakhsh Singh, R/o 15/27, Old Chandrawal, Civil Lines, Delhi-54. Place of employment: Reader in Labour Court No.VII, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi-54.
5. Shri Matebar Yadav, S/o Sh. Ramdev Yadav, R/o I-273, Karam Pura, New Delhi-110015. Place of employment: Reader in Labour Court No.VI, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi-54.
6. Shri A.N.Dhyani, S/o Sh.Shashi Nand, R/o C-II/255, Yamuna Vihar, Delhi-110053. Place of employment: Reader in Labour Court No.VIII, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi-110054.
7. Shri Ramesh Chand, S/o Sh. Asa Ram, R/o 283, Village & PO., Bakhtawar Pur, Delhi-36. Place of employment: Reader in Industrial Court No.II, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi-54.
8. Shri Anil Jagota, S/o Sh. Ram Singh, R/o 81-B, Delhi Administration Flats, Timar Pur, Delhi-54 Place of employment: Reader in Labour Court No.IV, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi-54.
9. Shri Satya Prakash Sharma, S/o Sh. Suraj Prakash, R/o J-109, Sector IV, Vijay Nagar, Ghaziabad (UP). Place of employment: Reader in Labour Court No.II, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi.

10. Smt. Sangeeta Sharma, W/o Sh. Ramesh Sharma, R/o J-5/37, Rajouri Garden, New Delhi. Place of employment: Reader in Labour Court No.IX, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi.

11. Shri Jagan Nath, S/o Late Sh. Budh Sain Sharma, R/o 521/36, Gali No.18, Vijay Park, Mauj Pur, Delhi-94. Place of employment: Reader in Labour Court No.V, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi-54.

12. Smt. B.Tigga, W/o Sh. John Albert Tigga, R/o 354, D.A.Flats, Nimri Colony, Ashok Vihar, Phase IV, Delhi. Place of employment: Reader in Industrial Court No.I, Govt. of N.C.T. of Delhi, Tis Hazari Courts, Delhi-54. - Applicants

(By Advocate Shri H.K.Chaturvedi)

Versus

1. Govt. of N.C.T. of Delhi, Through: Its Chief Secretary, 5,Shyam Nath Marg, Delhi-54.

2. The Labour Commissioner/The Secretary, Labour, Labour Department, The Govt. of N.C.T. of Delhi, 15, Raj Pur Road, Delhi-110054. - Respondents

(By Advocate Mrs.Meera Chhibber)

O R D E R (Oral)

By V.K.Majotra, Member(Admnv) -

The applicants are working as Readers with the Labour Courts/ Industrial Tribunals, Govt. of N.C.T. of Delhi. According to them the Govt.of N.C.T., Delhi vide their letter dated 15.6.1998 (Annexure-A-1) clearly mentioned that the staff for 19 newly encadred Courts of Delhi Higher Judicial Service i.e. 3 Courts of Industrial Tribunals, 6 Courts of M.A.C.T. and 10 Labour Courts has been created vide letter dated 27.5.1998 (Annexure-A-2). Their claim is that as per Annexure-A-2 they are entitled for salary in the pay scale of Rs.5500-9000 being Readers for Labour Courts/ Industrial Tribunals. The applicants had made representations on 24.10.1998 and 26.10.1998 seeking the

salary in the pay scale of Rs.5500-9000 since 27.5.1998 which have remained unrepiled.

2. The applicants are basically employees of Delhi Administration holding ex-cadre posts of Readers in the Labour Courts/ Industrial Tribunals.

3. In their counter the respondents have contended that the applicants are staff of the Labour Department holding ex-cadre post of Readers in Delhi Higher Judicial Service. The respondents have maintained that the pay scale of Rs.5500-9000 is exclusively for the newly created posts in the Office of the District and Sessions Judge, Delhi and it is not meant for the employees of the Labour Department who are at present working as Readers in the Labour Courts/ Industrial Tribunals.

4. We have heard the learned counsel and perused the material available in the file.

5. The learned counsel of the applicants has stated that 19 posts of Readers mentioned in Annexure-A-2 are the same as created vide Annexure-A-1 for the 19 newly encadred Courts of Delhi Higher Judicial Service including 3 Courts of Industrial Tribunals, 6 Courts of M.A.C.T. and 10 Labour Courts. The pay scale of Rs.4000-6000 is meant for the Readers of Special Metropolitan Magistrates only and the applicants as Readers of the Labour Courts/ Industrial Tribunals have to be placed in the pay scale of Rs.5500-9000, which is meant for Readers of Delhi Higher Judicial Officers. The learned counsel of the respondents has stated that the applicants are manning temporary posts of Readers of Labour Courts/ Industrial

Tribunals and under Annexure-A-2, 19 posts for Delhi Higher Judicial Officers among others are subject to the following conditions :-

- "1. That the necessary funds are made available during current financial year 1998-99.
- 2. that the creation of these posts remain valid up to 28.2.1999.
- 3. that the posts should be filled up in the current financial year 1998-99 subject to following the...of all such posts."

She has further stated that since these personnel are temporarily with the Labour Department to man the posts of Readers in Labour Courts/ Industrial Tribunals at the expiry of the stipulated period, in view of the conditions mentioned in Annexure-A-2 would revert to their original posts in the Labour Department which do not carry the superior scale of Rs.5500-9000. When they repatriate to their original posts in their parent department, according the pay scale of Rs.5500-9000 will create administrative problems as retention of the scale will not be possible on reversion. She further stated that Annexure-A-2 has not been endorsed to the Labour Department meaning thereby that the provisions of this letter should not be made applicable to the applicants who are officials of the Labour Department.

6. As per Annexure A-2, 340 temporary posts were created out of which 41 posts were of Readers. 19 of these, meant for Delhi Higher Judicial Officers, were to get pay scale of Rs.5500-9000. As per Annexure-A-1 staff for 19 newly encadred Courts of Delhi Higher Judicial Service i.e. 3 Courts of Industrial Tribunals, 6 Courts of MACT and 10 Labour Courts has been created vide letter dated 27.5.1998. This letter of 27.5.1998 is the same as Annexure-A-2. Both Annexures-A-1 and A-2

have been issued by the Govt. of N.C.T. of Delhi, Department of Law, Justice & Legislative Affairs. It is true that Annexure-A-2 has not been endorsed to the Labour Department, but that will not sever ^{the} ~~the~~ connection with Annexure-A-1. Reference to the staff for 19 newly encadred Courts of Delhi Higher Judicial Service in Annexure-A-2 is for the Labour Courts, Industrial Tribunals and MACT. In other words, the staff for these Courts have been equated with those of the Courts of Delhi Higher Judicial Service. For the Readers of Delhi Higher Judicial Officers scale of Rs.5500-9000 has been prescribed as per Annexure-A-2 and same would certainly be applicable to the staff of the newly encadred Courts of Delhi Higher Judicial Service i.e. Industrial Tribunals, Labour Courts and MACT. It is immaterial whether the applicants have been appointed to these posts temporarily under conditions relating to availability of funds for a particular financial year or other conditions mentioned in Annexure-A-2. As long as they are functioning as Readers in Labour Courts or Industrial Tribunals, etc. they would be entitled to be placed in the pay scale of Rs.5500-9000 as per Annexure-A-2.

7. Having regard to the above discussion and reasons, the O.A. succeeds and the respondents are accordingly directed to pay salary to the applicants in the pay scale of Rs.5500-9000 with effect from 27.5.1998 i.e. the date of issue of Annexure-A-2. No order as to costs.

V.K. Majotra
(V.K. Majotra)
Member (Admnv)

Ashok Agarwal
(Ashok Agarwal)
Chairman