

(1998) 01 DEL CK 0068

In the Delhi High Court

Case No : C.W. No's. 47 to 59 and 65 of 1998

Jamal Uddin and Others

APPELLANT

Vs

Lt. Governor and Others

RESPONDENT

Date of Decision : 22-01-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 72 DLT 57

Hon'ble Judges : K. Ramamoorthy, J

Bench : Single Bench

Advocate : Shyamala Pappu, M.R. Krishnamurthi and Pramod Sharma, for the Appellant; R.K. Singh, for Respondent 1 and R.P. Gupta, for NDMC, for the Respondent

Judgement

K. Ramamoorthy, J.—The claim of the petitioners is benefit of SSC pay scales in the same manner as granted to other employees similarly placed vide Resolution No. 26 dated 9.2.1998 read with Resolution No. 52 dated 9.6.1988 the petitioner prayed for a writ of mandamus.

2. The learned Single Judge before whom the similar case bearing No. C.W. 5002/97 was listed passed the following orders on 02.12.1997:

C.W. No. 5002/97

The petitioner had filed a writ petition in Supreme Court in 1993 vide C.W.No. 761/92. The same was dismissed by the Supreme Court on 8th May, 1997 with the observation that the petitioner should approach the appropriate Forum in an original proceeding for grant of such a relief in the first instance. In view of the observations made by the Supreme Court in the case of the petitioner, in the above said petition, and also in the C.W. No. 647/92 in the case of Rajinder Prasad and Ors. v. Lt. Governor of Delhi and Anr., decided on 24th February, 1995, the present writ is not maintainable. Directions are accordingly given that it would be in the interest of justice to go before the Central Industrial Tribunal,

New Delhi and the Tribunal will decide the question raised in this petition, after permitting the parties to adduce their evidence and file additional documents, if any, on the record. The Tribunal shall decide the matter expeditiously and as expressed by the Apex Court within six months of the receipt of the paper book.

With these observations petition stands disposed of.

3. As per this order the writ petitioners should have approached the Industrial Tribunal. The learned Judge had referred to the judgment of the Supreme Court in C.W. No. 647 of 1992, which is in the following terms:

We have heard learned Counsel for the parties. The petitioners claim that they are entitled to the benefit of the law laid down by this Court in Narendra Kumar and Another Vs. Dharam Dutt and Another, which in turn followed the decision in R.D. Gupta and Others Vs. Lt. Governor, Delhi Admn. and Others, . The petitioners also relied on Babu Lal, Convenor and another Vs. New Delhi Municipal Committee and another, . Since the petitioners have not given detailed facts in this petition under Article 32 of the Constitution of India, it would not be in the interest of justice to go into the matter on merits. We direct that Central Industrial Tribunal, New Delhi shall decide the question after hearing the parties. The Tribunal shall also permit the parties to lead evidence and place additional documents on the record. The Tribunal shall decide the matter expeditiously and preferably within six months of the receipt of this paper book. The writ paper book be sent to the Tribunal which shall be treated as a reference before that Tribunal under the Industrial Disputes Act. The paper be sent to the Tribunal by the Registry. We are passing this order to do complete justice between the parties. The writ petition is disposed of.

4. Once this Court has taken a view in the matter, I follow the same course adopted by the learned Single Judge, accordingly I hold that all the writ petitioners should approach before the Industrial Tribunal (Labour) and the Industrial Tribunal shall adjudicate upon all the points raised by the petitioners and respondents and give its award in accordance with law. The Industrial Tribunal shall dispose of the matter on or before 31.7.1998 and the petitioners shall approach the Industrial Tribunal within a period of 30 days from today.

5. Learned Senior Counsel for the petitioners submit that the petitioners are apprehensive that the respondents may take the plea that the points that may urged by the petitioners would not come within the purview of the Industrial Tribunal. The respondents are precluded from taking such points in the light of the judgment of the Supreme Court of India.

Accordingly, the writ petitions are disposed of. There shall be no orders as to costs.

Dasti.