

(2013) 07 DEL CK 0434

In the Delhi High Court

Case No : Writ Petition (C) No. 3835 of 2010

Ramesh Chand Arora

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 30-07-2013

Acts Referred:

Citation : (2013) 07 DEL CK 0434

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Jitender Ratta, for the Appellant; Deepa Rai, for R-2, for the Respondent

Final Decision : Dismissed

Judgement

Valmiki J Mehta, J.—By this writ petition, petitioner Sh. Ramesh Chand Arora, who had worked as a Consultant with the respondent no. 2, claims higher emoluments during the period for which he served with the respondent no. 2. Higher emoluments are claimed on the ground that petitioner has not been paid as per recommendation of the 6th Pay Commission and which amounts are being paid to the person who has subsequently to the petitioner been appointed by respondent no. 2 as its consultant. The appointment letter of the petitioner shows that petitioner has to be paid salary as per the rules of the Government of India. In the writ petition, no cause of action is laid out that for the post to which the petitioner was appointed as a consultant, a particular amount of salary is paid by the Central Government and the petitioner is not receiving that salary but lesser salary. There is therefore no cause of action laid out of lesser salary being paid although for such post petitioner was entitled to a specific higher salary by the Government of India.

2. The second ground on which entitlement is claimed is that it is said that the subsequent person who has been appointed, after the petitioner's appointment came to an end, is receiving a higher amount. This claim is based on "equal pay for equal work" doctrine. However, the writ petition does not show as to how the

qualifications of the petitioner would be identical with the new appointee, how the scope and nature of duties of the petitioner with the subsequent employee are same and what are the other aspects which entitle equivalence of the petitioner to the amounts which are paid to the subsequent appointee. Also it is not wholly unknown that for an appointment which takes place at a subsequent point of time, because of passage of time from the first appointment, higher amounts are paid to the subsequent appointee.

3. Learned counsel for the respondent no. 2 has also brought my attention to the compilation of Swamy's Handbook which pertains to engagement of Consultants and in which, there is a difference which is carved out on the basis of date of retirement of an employee. Whereas for persons who retired before 31.3.2004 the amount to be paid is of Rs. 6500/- for part-time work and Rs. 13,000/- for full time employees, to those government employees who retired after 31.3.2004, the amount of Rs. 10,000/- is paid for part-time work and Rs. 20,000/- is paid to full time employees. Petitioner admittedly retired after 31.3.2004 and he was paid in accordance with the aforesaid classification i.e. Rs. 13,000/- p.m.

4. Therefore, looking at it from any angle, petitioner-consultant is not entitled to higher monetary emoluments than he actually received during the period of his appointment. I may also state that petitioner at no point of time during his service with the respondent no. 2 ever raised any claim with respect to higher emoluments. If a claim is not raised during the period of employment I am doubtful it can be raised subsequently, though the writ petition is being dismissed for other reasons as stated above. In view of the above, the writ petition is dismissed, leaving the parties to bear their own costs.