
(2012) 12 DEL CK 0060

In the Delhi High Court

Case No : Writ Petition (C) 7749 of 2012

Rameshchandra Prabhudas Patel

APPELLANT

Vs

UOI and Others

RESPONDENT

Date of Decision : 13-12-2012

Acts Referred:

Citation : (2012) 12 DEL CK 0060

Hon'ble Judges : Pradeep Nandrajog, J; Manmohan Singh, J

Bench : Division Bench

Advocate : Amit Kumar, for the Appellant; B.V. Niren and Mr. Prasouk Jain, for the Respondent

Judgement

Pradeep Nandrajog, J.—Heard Learned Counsel for the parties. It is not in dispute that on the subject of pay fixation with effect from 01.01.1996 and its consequential impact with effect from 01.01.2006, issue pertaining to Overseers and Superintendent Gr. II in BRO stands conclusively adjudicated by a decision dated September 10, 2010 passed by a learned Single Judge of the Gauhati High Court allowing WP (C) No. 51/2009 Ghan Shyam Vishwakarma Vs. The Director General, BRO & Ors. which decision was upheld by a Division Bench of the Gauhati High Court as per its decision dated March, 18, 2011. The Supreme Court has refused to grant special leave to appeal.

2. The decision holds that in fixing wages of Overseers or Superintendent Gr. II, no distinction can be made between those who join as direct recruits having a diploma/degree in the relevant field and those who earn promotions but do not possess a diploma/degree.

3. The respondents were placing those possessing diploma/degree in a higher scale of pay and needless to state they were direct recruits. Promotee officers who had joined in the lower rungs and did not possess the diploma/degree were placed in a lower pay-scale. This was found to be illegal. Mandamus issued was that all officers would be placed in the pay-scale in which the respondents were

placing officers possessing diploma/degree.

4. Suffice would it be to state that when a principle of law pertaining to payment on pay fixation is decided by a Court on a writ petition filed by an individual but the decision relates to a matter of principle of law to be applied, the said decision has to be implemented in rem, i.e. with respect to all such persons who hold similar posts and not qua the persons who approach the Court.

5. Accordingly, we dispose of the writ petition directing the respondents that the benefit of the decision passed by the Gauhati High Court pertaining to the writ petition filed by Ghan Shyam Vishwakarma would be made applicable to not only the instant writ petitioner but all persons holding posts of Overseers and Superintendent Gr. II in BRO. No costs.