

Arjun Dev and ors. Vs. Uoi and ors.

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SooperKanoon Citation : sooperkanoon.com/957536

Court : Delhi

Decided On : Apr-23-2013

Judge : Pradeep Nandrajog

Appellant : Arjun Dev and ors.

Respondent : Uoi and ors.

Judgement :

\$~14 * IN THE HIGH COURT OF DELHI AT NEW DELHI % Date of Decision : April 23, 2013 + W.P.(C) 7465/2012 ARJUN DEV & ORS. Represented by: Petitioner Mr.T.D.Yadav, Advocate versus UOI & ORS. Represented by: Respondents Mr.Sumeet Pushkarna, Advocate with Mr.Gaurav Verma and Mr.Varun Dubey, Advocates CORAM: HON'BLE MR. JUSTICE PRADEEP NANDRAJOG HON'BLE MR. JUSTICE V. KAMESWAR RAO PRADEEP NANDRAJOG , J.

(Oral) 1. We just do not understand why the petitioners are litigating.

2. As per Government of India, Ministry of Defence letter dated May 11, 1998, skilled grade of pay was implemented with effect from October 16, 1981.

3. Allowing OA No.2585/2009, vide order dated April 29, 2010, the Tribunal directed that the nine applicants before it who were appointed as cane-weaver between the years 1979 and 1994 would be paid salary applicable in the pay scale of skilled grade. In para 9 of its decision, the Tribunal directed that its decision

would be applicable from the date of initial appointment.

4. Upon RA No.102/2011 being filed and it being informed to the Tribunal that the skilled grades were implemented with effect from October 16, 1981, vide impugned order dated October 20, 2011, the Tribunal corrected itself by requiring salary to be paid in the skilled grade from the date of initial appointment or October 16, 1981, whichever is later; and correctly so for the reason those who joined after October 16, 1981 would obviously be entitled to salary from the date they joined and worked and as regards who had joined prior thereto, since skilled grades were brought into force on October 16, 1981, this would be that from which salary had to be paid in the skilled grades.

5. The petitioners are challenging the order dated October 20, 2011 for reasons which we fail to understand. What surprises us is that out of nine writ petitioners, seven joined service after October 16, 1981 and thus they are hardly affected by the order dated October 20, 2011, for the reason the original order dated April 29, 2010, requires salary to be paid in the skilled grade from the date of initial appointment. Only two petitioners are affected by the order dated October 20, 2011, which requires salary in the skilled grade to be paid from the date of joining or October 16, 1981; whichever is later.

6. As regards the two petitioners who had joined service prior to October 16, 1981, suffice would it be to state that skilled grades became applicable only from October 16, 1981 and thus the Tribunal rightly corrected itself.

7. At this stage, learned counsel for the petitioners submits that the department is wrongly reading the orders passed by the Tribunal as requiring arrears to be paid for a period one year prior to when OA No.2585/2009 was filed. If this be so, the petitioners must move the Tribunal for contempt action because the orders passed by the Tribunal do not restrict the financial impact of the relief to the preceding one year from the date when the original application was filed. If a department does not implement an order, that does not mean that the order is wrong.

8. The writ petition is dismissed but without any order as to costs. (PRADEEP NANDRAJOG) JUDGE (V. KAMESWAR RAO) JUDGE APRIL 23 2013 mamta

