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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1623/2018 & CM APPL. 6676/2018 -Stay., CM APPL.
12152/2019 -Release of amount., CM APPL. 12208/2019 -Dir. by
Res.
MEDICAL SUPERINTENDENT RAM MANOHAR LOHIA
HOSPITAL Petitioner
Through: Mr.Ripu Daman Bhardwaj, CGSC.

versus

GENERAL SECRETARY HEALTH SERVICES CONTRACT
WORKERS UNION DR RAM MANOHAR LOHIA HOSPITAL
..... Respondent
Through: Mr.Colin Gonsalves, Sr.Adv. with
Mr.Paul Kumar Kalai, Ms.Mugdha, Advs.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

% **ORDER**
14.02.2023

1. The present petition preferred by the Ram Manohar Lohia Hospital assails the order award 05.08.2016 passed by the learned Central Government Industrial Tribunal.
2. Vide the impugned award, the learned Tribunal has directed the petitioner to pay to the 21 contractual LDCs engaged by the petitioner salary at par with their regular counterparts.
3. Learned senior counsel for the respondent submits that while the contractual LDCs, who are members of the respondent/Union were being paid monthly salary of only about Rs.21,000/-, the regular incumbents discharging the same functions are being paid Rs.50,000/- which he contends is wholly impermissible. Furthermore, the



petitioner is not only discriminating qua the payment of all other allowances, but even the Dearness Allowance(DA), being paid to the contractual LDCs is being paid only @ 5%, as against the regular incumbents, who are being paid DA @30%.

4. When faced with this situation, learned counsel for the petitioner prays for and is granted time to obtain instructions, as to how, this action is sustainable in the face of the circulars issued by the Government of NCT of Delhi itself clearly setting out that contractual employees discharging the same duties as regular employees ought to be paid the minimum of the pay scale along with all applicable allowances as is being paid to regular employees.
5. List on 27.02.2023.
6. On the next date, an officer of the petitioner/Management, who is well conversant with the facts of the present case, will remain present in Court.

FEBRUARY 14, 2023
sr

REKHA PALLI, J