

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal(Civil)...CC:2295/2004

(From the judgment and order dated 31/05/2002 in LPA 366/98
and final judgment & order dated 18/12/2003 in RP 1513/02
of The HIGH COURT OF DELHI AT N. DELHI)

INDIAN SYSTEM OF M.&H.COUNCIL EMPS.ASSON

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With I.A. No.1 - for c/delay in filing SLP)
(With Office Report)

W I T H

S.L.P.(C) No.....CC:2804/2004

(With application for c/delay in filing SLP and office report)

S.L.P.(C) No.....CC:2805/2004

(With application for c/delay in filing SLP and office report)

Date : 19/03/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU

HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. P.P.Rao, Sr.Adv.

Mr. P.I. Jose,Adv.

Mr. K.S. Bhati,Adv.

Ms. Mahalakshmi Pavani,Adv.

Mr. V.J. Francis,Adv.

For Respondent (s)

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UPON hearing counsel the Court made the following

O R D E R

Heard Mr. P.P. Rao, the learned senior counsel appearing for the petitioners.We are of the view that the claim sought to be projected on the basis of principle of parity of pay scales based upon 'equal pay for equal work' has been rightly rejected. We see no infirmity so as to call

l for our interference.

At the same time, the claim of the petitioners that the bye-laws of the Central Council for Research in Ayurveda and Sidha provided for the payment of the scale of pay and allowances at the rate, as applicable to those prescribed by the Government of India for similar personnel employed under them, does not appear to have been independently and objectively considered on its own merits. If the bye-laws which constituted conditions of service provides for a particular scale of pay and allowances, the right claim for the payment of the same may arise even de-hors the other claim based simply on the principle of parity. No doubt, the Authority, Tribunal or Court concerned with such claims may also have to consider the scope and extent of the provision concerned, depending upon the language as well as the object of adoption of the

Contd...3/-

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scales and the further question as to which of the scales - scale for Central Secretariat Service or other Central

Government employees - that can be said to have been envisaged in the bye-law constituting their condition of service. This exercise may have to be undertaken in an appropriate proceedings after giving due opportunity to the respective Institutions or Undertakings.

We think it appropriate and necessary in the interest of justice to leave liberty with the petitioners to work out their rights, if any, based upon the said bye-law in the manner known to and in accordance with law, de-hors the principle of parity of pay-scales. As and when any such action is taken or proceedings instituted before any authority or court, such authority/court shall consider the matter afresh such claims with particular reference to the rights, if any, flowing from such bye-laws uninfluenced by any of the observations made in the judgment under challenge. We express no opinion, either way on all or any of such claims.

With liberties left as above, the special leave petitions shall stand dismissed.

(Neena Verma) (Vijay Aggarwal)

Court Master

Court Master