

Delhi Municipal Karamchari Ekta Union (Regd.)

Vs

P. L. Singh and Others

Civil Appeal No. 3921 (NL) of 1987

(E. S. Venkataramiah, K. N. Singh JJ)

07.12.1987

O R D E R

1. Special leave granted. The appeal is heard. The appellant is the union of employees in the Delhi Municipal Corporation. Some of the members of the appellant union have been working as Vaccinators/Immunisors on daily wages under the Delhi Municipal Corporation for more than eight years whereas many others who have been regularly appointed and are doing same kind of work are being paid higher salary and allowances every month. Even though the Vaccinators/Immunisors who have been working on daily wages have been working for a long number of years no action has been taken by the Delhi Municipal Corporation for regularising their services. In view of the disparity in the payment of wages and the neglect on the part of the Corporation regarding the regularisation of the services of the daily rated workmen there arose an industrial dispute and the dispute was referred by the competent authority for adjudication to the Industrial Tribunal No. 3, Delhi under a notification dated November 23, 1981. The question which was referred to the Tribunal was;

Whether the workmen mentioned in Annexure 'A' need to be regularised as Vaccinators/Immunisors

In the scale of Rs. 260-430 and if so, from what date and what directions are necessary in this matter ?

2. After hearing the matter the Tribunal agreed with all the contentions of the appellants but it held that no relief could be granted to them and that they should approach either the High Court or the Supreme Court for that purpose. Accordingly the Tribunal passed an award nearly six years after the date of the reference that the workmen concerned were not entitled to be regularised as Vaccinators/Immunisors in the scale of Rs. 260-430. Aggrieved by the award of the Tribunal the appellant has filed this appeal by special leave.

3. After hearing the learned counsel for the parties we find that the Delhi Municipal Corporation has practically no tenable defence to the claim made by the workmen. There is no justification for the Corporation extracting the same amount of work from the workmen concerned on payment of daily wages at rates lower than the minimum salary which is being paid to other workmen who have been recruited regularly even though the workmen involved in this case have been working for a number of years. Nearly six years have elapsed from the date of the reference but without any change in the attitude of the Corporation.

4. Following the decision of this Court in Daily Rated Casual Labour employed under P & T Department through Bhartiya Dak Tar Mazdoor Manch v. Union of India ((1988) 1 SCC 122) and

our decision in U.P. Income Tax Department Contingent Paid Staff Welfare Association v. Union of India (1987 Supp SCC 658 : 1988 SCC (L&S) decided on December 4, 1987 we direct the respondent Delhi Municipal Corporation to pay the Vaccinators/ Immunisors involved in this appeal wages at the rate equivalent to the minimum pay in the pay scale of regularly employed Vaccinators/ Immunisors without any increments with effect from the date of the reference i.e. November 23, 1981. The workmen concerned are also entitled to the corresponding dearness allowance. We also direct the Delhi Municipal Corporation to prepare a scheme on a rational basis for absorbing as far as possible the workmen involved in this case as regular Vaccinators/Immunisors. This order is made in substitution of the award passed by the appellant. The arrears of salary and allowance payable under this order shall be paid within four months. The scheme for absorption shall be prepared within six months and the process of absorption shall be completed within eight months from today. The appeal is accordingly allowed with no order as to costs.

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