

Prahalad Singh

Vs

Union of India and Another

Civil Writ Petition No. 651 of 1986

(CJI R. S. Pathak, M. N. Venkatachaliah JJ )

28.04.1989

JUDGMENT

PATHAK, C.J. –

The petitioner Shri Prahalad Singh has brought this petition under Article 32 of the Constitution claiming that he and other similarly placed Compositors employed in the Government of India Presses are entitled to the status of Compositors Grade I in the "highly skilled" category with corresponding revised pay scales retrospectively with effect from January 1, 1966. The petitioner alleged that two categories of Compositors have been constituted, one category being the 'highly skilled' and the remained being described as 'skilled'. The former is entitled to a higher grade of pay. It is alleged that in 1969, membership of the category 'highly skilled' Compositors was based on the principle of seniority, although all the Compositors including the senior persons treated as 'highly skilled' were functioning in identical and interchangeable costs and discharging identical functions. It is point out that one T. R. Thakur challenged this categorisation and the grant of higher pay to the Compositors who were classified as 'highly skilled' on the basis of seniority. The challenge was contained in a writ petition (C.W. No. 61 of 1969) filed in the High Court of Himachal Pradesh. The writ petition was allowed by the learned Single Judge of the High Court by is order dated May 21, 1971, and a Letters Patent Appeal against the judgment was dismissed by a Division Bench of the High Court d on May 9, 1979. The High Court held that the categorisation of the senior most persons as 'highly skilled' was unreasonable and discriminatory. The learned Single Judge held that T. R. Thakur, the petitioner in that case, was entitled to the relief claimed by him and, accordingly, he directed the respondents not to enforce the revised scales of pay in such a manner as to subject the petitioner to a lower scale of pay then the one allowed to the Compositors who have been so fixed in the scale laid don for the highly skilled Compositors. The Division Bench endorsed the view taken by the learned Single Judge and maintainable the order passed by him. The present petitioner claims that the same relief should be made available to him and other Compositors similarly situated, and that they are entitled to the benefits of the direction made by the High Court of Himachal Pradesh. The principal objection to the grant of relief to the petitioner and those for whom he claims to act is the gross delay with which the writ petition appears to have been brought in this Court. To surmount that difficulty the petitioner relies upon the plea that the judgment of the High Court in T. R. Thakur's case is a judgment operative in principle in favour of all Compositors situated in the circumstances in which T. R. Thakur found himself. There are other pleas which have been taken by the petitioner, but the substantial one is whether he and the other Compositors can enforce in their favour the benefit granted in T. R. Thakur's case although they were not parties to that proceedings. At first blush it would seem that the High Court considered the particular facts of T. R. Thakur, the petitioner before it, and while granting relief it appears, in terms, to have confirmed it to T. R. Thakur. It is an important point whether, as the petitioner now contends before

us, the direction issued by the High Court can be regarded as a direction operative in respect of all Compositors employed in the Government of India Presses all over India. The point is important since the objection on the plea of laches seems to be a substantial one in view of the several Compositors who have over the year been promoted to the category of "highly skilled" compositors, and interfering with their status now could materially prejudice them. At the same time, it cannot be doubted that there can be cases where although the facts of a particular petitioner have been taken into consideration what the court intends, when it adjudicates on the claim, is to lay down the law to be applied by the respondents to all similar situations. There are other cases where relief may be granted or refused upon the consideration of a question involved - the question being one which affects several persons of the category to which the petitioner belongs - and the grant or refusal of the relief may turn on the particular facts of that case. Various possible categories of cases can be conceived in this context. We think it desirable that in cases such as this the court should formulate a set of appropriate guidelines indicating when directions rendered by the court in one particular case can be regarded as operative in other cases. As the matter will be governed both by principle and by the practice of the court, it is appropriate that this case be referred to a larger bench for consideration on this and the other points arising in it. We order accordingly.

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