

SUPREME COURT OF INDIA

Director General of Works, C.P.W.D

Vs

Regional Labour Commissioner,'(Central)

Appeal (civil) 1071 of 2002

(Dr. Arijit Pasayat and P. Sathasivam)

04/02/2008

JUDGMENT

Dr. ARIJIT PASAYAT, J.

1. Heard learned counsel for the parties.

2. Challenge in this appeal is to the order passed by a Division Bench of the Delhi High Court dismissing the Letters Patent Appeal filed by the present appellant questioning the correctness of the order passed by a learned Single Judge.

3. The Division Bench referred to an order of this Court in Writ Petition Nos.59-60 and 563-570/83 in the case of Surinder Singh & Anr. v. The Engineer in Chief CPWD & Ors.Dated 17th January, 1986.Except referring to the order of this Court in question, the Division Bench did not even indicate as to how the fact situation was identical. As the order in Surinder Singh's case (supra) shows the case under consideration was about the entitlement of daily wagers to same wages as paid to "permanent employees" employed to do "identical work". There is no factual finding in this case

that the work done was identical. Further several other issues like entitlement to Cycle allowance, Cost of uniform, Washing allowance, Increments etc. was questioned on the ground that these are payable only to workers who are appointed to regular posts. Unfortunately, the High Court did not consider that aspect also.

4. That being so, we set aside the impugned order of the High Court and remit the matter to the High Court for fresh consideration in accordance with law. Since the matter is pending since long, the High Court is requested to dispose of the appeal expeditiously, preferably by the end of July, 2008.

5. The appeal is disposed of accordingly.