
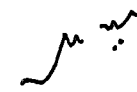


Sr. No.	Date	Orders
		<p>* IN THE HIGH COURT OF DELHI AT NEW DELHI</p> <p>+ WA 242/2004 & CM 2663-64/2004</p> <p>MCD Appellant Through Mr. Mukul Rohtagi, Addl. Solicitor General with Mr. Rakesh Mittal, Advocate</p> <p>versus</p> <p>AJAY KUMAR & ORS. Respondents</p> <p>CORAM:</p> <p>HON'BLE MR. JUSTICE B.A. KHAN HON'BLE MR. JUSTICE MUKUL MUDGAL</p> <p>ORDER 06.04.2004</p> <p>%</p> <p>Respondents were first appointed as teachers on contract basis for three months on a consolidated monthly remuneration of Rs.5,000/-. Their term was thereafter extended from time to time. They filed a civil writ petition No.2683/2002 seeking regularization of their services and for grant of equal pay-scale as was available to regularly appointed teachers. Writ court declined their first prayer of regularization of service. But it granted their second prayer only partly by directing appellant to pay them wages in the minimum scale of the grade payable to regularly appointed teachers during the term of their employment by relying upon a Supreme Court judgment in <u>Vijay Kumar & Others Vs State of Punjab & Others</u> reported as 1995 Suppl.[4].</p> <p>Appellant MCD has filed this appeal to question this direction. Learned Addl. Solicitor General, Mr. Rohtagi contended that writ court had wrongly granted them equal pay scale on the principle of equal pay for equal work which was applicable only if they would have been appointed through a prescribed selection</p>

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Sr. No.	Date	Orders
		<p>process. He cited a Supreme Court judgment in <u>State of Uttar Pradesh & Others Vs R. Yadav & Another</u> reported as 1996 (3) SCC 332 to support this.</p> <p>It must be pointed out at the very outset that the Supreme Court judgment supra does not lay down any such proposition. Apart from this, it is seen that writ court had only granted to these respondents wages in the minimum scale of the grade payable to regularly appointed teachers during the term of their employment and not the equal pay scale of a regularly appointed teacher which makes all the difference in this case and which we are not inclined to disturb in the facts and circumstances of the case.</p> <p>Appeal is accordingly dismissed.</p> <div style="text-align: right;">  B.A. KHAN, J </div> <div style="text-align: right;">  MUKUL MUDGAL, J </div> <p>APRIL 06, 2004 ak</p>