

A HIMACHAL PRADESH STATE ELECTRICITY BOARD,  
SHIMLA AND ORS. ETC. ETC.

v.

TIRATH RAJ AND ORS. ETC. ETC.

B SEPTEMBER 1, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

*Service Law :*

C *Administrative Tribunal Act, 1985 : Tribunal—Jurisdiction—Dispute of daily wages employees—Held Tribunal has jurisdiction to decide—High Court is divested of jurisdiction to decide the dispute.*

D The appellants, who were appointed on daily wages as T. Mates with the appellant-Electricity Board, claimed salary at par with regular Clerks on the ground that they were performing the duties of the post of Clerks. The High Court allowed the claim by holding that (i) it has jurisdiction to decide the dispute of the daily wages employees working under the appellant- Board; (ii) since the daily wages employees are not appointed to a post the Administrative Tribunal Act, 1985 was not applicable.

E In appeals to this Court on the question whether the High Court has jurisdiction to decide the dispute of the daily wage employees working under the appellant-Board :

Disposing the appeals, this Court

F **HELD :** In view of the law laid down in *Deep Chand Pandey's case\** the High Court had been divested of the power and jurisdiction under Article 226 of the constitution and the same vested in the Administrative Tribunal constituted in that behalf under Act. However, since the claims on merits have been settled, there is no reason to interfere with the matter. [250-D-E]

G *\*Union of India v. Deep Chand Pandey, AIR (1993) SC 382, relied on.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 8086 of 1995 Etc.

H From the Judgment and Order dated 11.7.89 of the Himachal

Pradesh High Court in W.P. No. 647 of 1984.

Naresh K. Sharma, C.P. Pandey, K.K. Lahiri, Gaurave Kumar, Ravindra Kumar, B.S. Gupta and A.M. Khanwilkar for the appearing parties.

The following Order of the Court was delivered :

Leave granted.

The respondents have been appointed on daily wages as T. Mates with the appellant. It is their grievance that though they were holding the posts of clerks and were performing the duties of the post in the appellant's Board, they were not being paid the salaries on par with regular clerks. Therefore, they are entitled to the payment of equal pay on par with clerks. The High Court accepted that contention and directed payment of equal pay on par with the clerks.

Two contentions have been raised by the appellant in the High court. Firstly, on merits and secondly, on jurisdiction. With regard to the merits, namely, their entitlement to payment of equal pay for equal work on par with the clerks, there was a settlement between the appellant and the employees. In terms thereof, they were paid the wages. That settlement was brought to the notice of this Court in pending W.P. (C) No. 788/87 and batch. This Court, by order dated May 10, 1991, disposed of the writ petitions in terms of the settlement. Thereby the controversy on merits no longer survives.

The only question that remains for decision is whether the High Court has jurisdiction to decide the dispute of the daily wage employees working under the appellant. The High Court took the view that since the daily wage employees are not appointed to a post, the Administrative Tribunal Act, 1985 (for short 'the Act') is not applicable. This Controversy also is no longer *res integra*. In *Union of India v. Deep Chand Pandey*, AIR (1993) SC 382, Same contention was raised with regard to the casual typists working under the Deputy Chief Engineer (Construction) Central Railway, Gwalior. They contended that under s.14 of the Act, all the jurisdiction, power and authority exercisable by all courts excepting the Supreme Court have been vested in the Central Administrative Tribunal. Therefore, it was contended for the Union that the High Court had no jurisdiction to

A entertain the claims of the casual typists on daily wage basis. It was contended on behalf of the daily wage typists that since they were not holding any civil Post under the Union and were engaged only on casual basis, the provisions of the Act were not attracted. This Court negated the contention and held thus :

B "The scope of Article 323-A permitting the Parliament to legislate on the subject covered therein is, having regard to the language, very wide, and by enacting 1985 Act this power has been exercised in almost full measure. An examination of Section 14 and Section 3(q) clearly indicates that the Act covers a very wide field, and  
 C there is nothing to suggest that the provisions dealing with the jurisdiction of the Tribunal should receive a narrow interpretation. This is also supported by the clarification offered by the then Minister of Law, who was piloting the Bill, while replying to the demand for the further enumeration of the conditions of service in Section 15 and 15. x x x x x x x x x x x x x x x"

D In view of the law thus laid, we hold that the High Court had been divested in the present case too, of the power and jurisdiction under Article 226 of the constitution and the same vested in the Administrative Tribunals constituted in that behalf under the Act.

E However, since the claims on merits have been settled, we decline to interfere with the matter. The appeal is accordingly disposed of. No costs.

*C.A. No. 8087/95 @ SLP (C) No. 3171/90*

F Leave granted.

In view of the above judgment, the appeal is disposed of. No costs.

T.N.A.

Appeals disposed of.