



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No-3494/2019
MA No-3827/2019**

New Delhi, this the 17th day of January, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

P.C. Meena, Engineer-in-Chief, Group A
Aged about 53 years
S/o late Sh. Ram Sahay
R/o A-2/165, Janak Puri
New Delhi-110058. ... Applicant

(through Sh. M.K. Bharadwaj)

Versus

1. North Delhi Municipal Corporation
Through its Commissioner
4th Floor, Civic Centre, Shyama Prasad
Mukherjee Building, New Delhi.
2. South Delhi Municipal Corporation
Through its Commissioner
9th Floor, Civic Centre, Shyama Prasad
Mukherjee Building, New Delhi.
3. East Delhi Municipal Corporation (Hq)
Through its Commissioner
Udyog Sadan, 1st Floor, Patparganj Industrial
Area, New Delhi.
4. Sh. Sanjay Jain
Chief Engineer (Adhoc)
South Delhi Municipal Corporation
20th Floor, Civic Centre, Shyama Prasad
Mukherjee Building, New Delhi. ... Respondents

(through Sh. R.V. Sinha with Sh. A.S. Singh for R. No. 1, Sh. R.K. Jain for R. No. 2, Sh. M.S. Reen for R. No. 3 and Ms. Esha Mazumdar with Sh. Amit Yadav for R. No. 4)



ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

The applicant is, at present, holding the post of Superintending Engineer in the establishment of the Municipal Corporations of Delhi, on substantive basis. He is said to have been promoted on adhoc basis, to the post of Chief Engineer and thereafter, kept in the look after charge of the post of the Engineer-in-Chief/ Director-in-Chief.

2. In the recent past, the post of Director-in-Chief is said to have been abolished. The South Delhi Municipal Corporation (SDMC), where the applicant was working, asked the applicant to report to the Nodal Corporation.

3. This OA is filed challenging the order dated 29.11.2019, through which the SDMC has placed one Sh. Sanjay Kumar Jain, presently working as Chief Engineer (Civil) in the North Delhi Municipal Corporation (North DMC), as in charge of Engineer-in-Chief on Current Duty Charge. The applicant contends that he is senior to Sh. Sanjay Kumar Jain (respondent no. 4) and there was

absolutely no basis for and respondent nos. 1, 2 and 3, in ignoring his seniority.

4. The OA was admitted and notice was issued. After hearing the learned counsel for the parties at some length, on 16.12.2019, a detailed order was passed, requiring the Director, Local Bodies, GNCTD, to convene meeting of the Commissioners of all the Corporations and the Committee, in turn, was directed to take a decision as regard to the post of the applicant and other related issues, within a period of four weeks. This was, on the basis of the representation made on behalf of the respondents that the Engineering Department is common for all the Corporations and posting is done by North DMC. The OA is listed today as directed earlier.

5. We heard Sh. M.K. Bharadwaj, learned counsel for the applicant and Sh. R.V. Sinha with Sh. A.S. Singh for R. No. 1, Sh. R.K. Jain for R. No. 2, Sh. M.S. Reen for R. No. 3 and Ms. Esha Mazumdar with Sh. Amit Yadav for R. No. 4.

6. An important development has taken place after the previous date of hearing. The applicant filed WP(C) No. 13595/2019 before the Hon'ble High Court of Delhi challenging the order dated 16.12.2019. In addition to that, he filed WP(C) No. 12594/2019



before the Hon'ble High Court of Delhi, feeling aggrieved by the dismissal of the OA No. 3416/2019.

7. On 29.11.2019, the Hon'ble High Court of Delhi made the following observation in WP(C) No. 12594/2019:

“The present petition is directed against order dated 27.11.2019 passed by the Central Administrative Tribunal (‘Tribunal’ for short) by which OA No. 3416/2019 filed by the petitioner seeking following reliefs has been dismissed as being premature.

“(i)To quash and set aside the impugned order dated 22.11.2019 and direct the respondents to post the applicant as Engineer-in-Chief, South DMC w.e.f. 01.12.2019.

(ii)To declare the action of respondents in directing the applicant to join East DMC without there being any post of Engineer-in-Chief and promoting his junior as Engineer-in-Chief, as illegal, arbitrary and unconstitutional and direct the respondents to post the applicant as Engineer-in-Chief against the clear vacancy becoming available on retirement of Sh. Umesh Sachdeva, Engineer-in-Chief, South DMC w.e.f. 30.11.2019.

(iii)To quash and set aside the Notice dated 22.11.2019 (A-1A) to the extent the meeting has been called to promote/assign the charge of Engineer-in-Chief, South DMC to junior of applicant.

(iv)To allow the OA with cost.

(v)To pass such other and further orders which their lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case.”

Learned Senior Counsel for the petitioner submits that the Tribunal has failed to take into consideration the various grounds raised in the OA. He further submits that the Tribunal vide its order dated 27.11.2019 had noted that the petitioner had been appointed to the post of Engineer-in-Chief in the year 2017. He further contends that the fear of the petitioner is that the post at which he was working has been abolished by the respondents only to sideline the petitioner. He further





submits that after the post having been abolished, the petitioner has not been given any alternate post.

Ms. Pushkarna, learned Standing Counsel for North Delhi Municipal Corporation and Mr. Birbal, learned Standing Counsel appearing for South Delhi Municipal Corporation submit that the fears of the petitioner are baseless and unfounded; and that the petitioner would be posted to the post of Engineer-in-Chief or a post equivalent thereto.

We hope that the decision in the matter would be taken expeditiously and preferably within a period of two weeks from today.

As agreed, the present writ petition and the application are disposed of in the above terms. Needless to say that in case the petitioner is still aggrieved, he would be at liberty to seek such remedy as may be available to him, in accordance with law.”

Similar assurance is said to have been given by the respondents, when the WP(C) No. 13595/2019 was taken up for hearing on 08.01.2020.

8. Another development is that, in compliance of the directions issued in the OA, the Commissioners of three Municipal Corporations met on 14.01.2020 and made the following observations:

“Shri P.C. Meena was promoted as Chief Engineer (Civil) on adhoc basis vide order dated 1/03/2017 and was posted in East DMC. Further, he was assigned Current Duty Charge to the post of Engineer-in-Chief/Director-in-Chief against the vacant post of Director-in-Chief in East DMC vide order dated 1/05/2017. It is reiterated that Engineer-in-Chief/Director-in-Chief has equal pay scale as that of Chief Engineer. The post of E-in-C is a selection post and at present, all posts are filled up. The post of D-in-C has



been abolished by East DMC. It is unanimously reiterated that he shall work in East EMC in the capacity of Chief Engineer or equivalent thereto (which has equal pay scale to E-in-C/D-in-C).”

9. The result is that, the entire scene has shifted to the Hon’ble High Court and, in fact, the assurance is also said to have been given on behalf of the Corporations about the posting of the applicant.

10. In that view of the matter, nothing needs to be decided in the OA. Accordingly, the same is closed.

Pending MA, if any, also stands disposed of.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/