

**Central Administrative Tribunal
Principal Bench, New Delhi**



**OA No.3559/2016
MA No.3101/2016**

This the 24th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Sandeep,
Aged about 38 years,
S/o Sh. Bishan Singh,
R/o C-215, Millennium Apartment, Sec-18,
Rohini, Delhi – 110089.
2. Ravindra Kumar Meena,
Aged about 39 years,
S/o Shri Gurjya Meena,
R/o Flat No. 20-B, Sri Ram Apartment,
Sec-4, Dwarka, New Delhi.
3. Nand Kishor Meena,
Aged about 37 years,
S/o Sh. Lallu Prasad Meena,
R/o H. No. 22, Mansarovar Park,
Shahdra, Delhi.
4. Chhuttan Lal Meena,
Aged about 39 years,
S/o Late Sh. Badri Prasad Meena,
R/o H. NO. 532, GH. 5 & 7, Pashim Vihar,
New Delhi – 110087.
5. Ved Prakash Meena,
Aged about 37 yars,
S/o Sh. Jagan Lal Meena,



R/o A-657, IIIrd Floor, Gharoli,
Dairy Colony, Mayur Vihar, Phase-3,
Delhi – 110066.

6. Jaldhari Meena,
Aged about 38 years,
S/o Sh. Dharampal Meena,
R/o RZF 131, Gali No. 20, Sadh Nagar-II,
New Delhi.
7. Ramprashad Meena,
Aged about 43 years,
S/o Sh. Shyam Lal Meena,
R/o H. NO. RZH-108G, Gali NO. 2,
Palam Raj Nagar-II, New Delhi – 110045.
8. Banwari Lal Meena,
Aged about 36 years,
S/o Sh. Bharat Lal Meena,
R/o RL-4A, Gali No. 14, Durga Park, New Delhi –
110046.
9. Ram Prakash Meena,
Aged about 41 years,
S/o Sh. R. C. Meena,
R/o Plot No. 23-A, Nand Vihar, Sec-16A,
Dwarka, New Delhi – 110078.
10. Mukesh Kumar,
Aged about 43 years,
S/o Late Sh. J.D. Varma,
R/o Flat No. 73, SFS Flat, Sec. – 5,
Dwarka, New Delhi – 110075.

...Applicants

(By Advocate: Mr. M. K. Bhardwaj)

VERSUS

Govt. of NCT of Delhi & Ors. Through

1. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat,
IP Estate, New Delhi.
2. The Principal Secretary (Services),
Govt. of NCT of Delhi,
Delhi Secretariat,
IP Estate, New Delhi.
3. The Principal Secretary (Finance),
Govt. of NCT of Delhi,
Delhi Secretariat,
IP Estate, New Delhi.
4. The Chairman (DSSSB),
FC-18, Institutional Area,
Karkardooma, Delhi.

...Respondents

(By Advocate: Ms. Esha Mazumdar)

ORDER (Oral)

Mr. Justice L. Narasimha Reddy:

The applicants were appointed as employees in the Delhi Administrative Subordinate Service (DASS) Grade-II as a sequel to an advertisement issued on 15.07.2002. The actual orders of appointment were issued from August, 2004 onwards. The Government took a decision to introduce a New Pension Scheme w.e.f. 01.01.2004. Several employees, who came to be appointed subsequent



to 01.01.2004, but, on the basis of the advertisement issued earlier thereto, approached the Tribunal and, thereafter, the Hon'ble High Court.

2. As a result of the long drawn litigation, such of the employees who were appointed in pursuance of any advertisement or selection process prior to 31.12.2003, but were appointed subsequent to 01.01.2004, were also extended the benefit. This OA is filed with a prayer to extend the similar benefit of old pension scheme to the applicants.

3. It is pleaded that similar persons, appointed along with the applicants, are extended the benefit as a result of implementing the directions issued by the Tribunal and Courts, the same were denied to them.

4. Respondents filed a counter affidavit opposing the OA. It is stated that the benefit was extended only to such of the persons. who approached the Courts, and the applicants cannot be extended the benefit automatically.

5. We heard Mr. M.K. Bhardwaj, learned counsel for the applicants and Ms. Esha Mazumdar, learned counsel for the respondents.



6. The effort of the applicants is to get themselves covered by the Old Pension Scheme, which existed prior to 01.01.2004. The necessity for us to deal with the same is obviated on account of the fact that the Government itself has taken a decision through OM dated 17.02.2020, based upon the adjudication made at various levels. The benefit of that OM was extended to the applicants through order dated 03.09.2020, bringing them under the purview of Old Pension Scheme.

7. Therefore, nothing remains to be decided in the OA. Though the applicants filed an MA, for fixation of their pay scales, we find that it is clearly outside the scope of the OA and factually unrelated to the main issue. We accordingly close the OA.

Pending MAs, if any, shall stand disposed of.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/rk/vb/ankit/dsn