



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

O.A. No. 2180/2021

M.A. No. 2797/2021

This the 4th day of October, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Ms. Asha Chaudhary
D/o Sh. Prem Singh Sehwat
W/o Sh. Narendra Kumar Rana
Age- 42 years ; Group – B;
Post – Asst. Teacher
Working at :- M.C. Primary Model Girls School,
Siras Pur, Delhi – 110042
Civil Line Zone
Resident of :- House No. 224/189,
Village Siras Pur, Delhi – 110042
2. Ms. Riti Raj,
D/o Sh. Kanshi Ram
W/o Sh. Tajinder Singh
Age – years ; Group – B ; Post – Asst. Teacher
Working at :- M.C. Primary Girls School,
J-Block, Jahangir Puri, Delhi
Civil Line Zone
Resident of :- F-26, Gali No. 30,
Mahindra Park, Near Adarsh Nagar,
Delhi – 110033.

...Applicants

(By Advocate: Ms. Anubha Bhardwaj)

Versus

1. North Delhi Municipal Corporation,
Through its Commissioner,
Dr. S.P.M. Civic Centre,
Minto Road, New Delhi.
2. South Delhi Municipal Corporation,
Through its Commissioner,



Dr. S.P.M. Civic Centre,
Minto Road, New Delhi.

...Respondents

(By Advocates: Shri M.S. Reen and Ms. Anupama Bansal)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

M.A. No. 2797/2021

M.A. seeking joining together in a single petition is allowed.

O.A. No. 2180/2021

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

“It is, therefore, most respectfully prayed that the Hon'ble Tribunal may graciously be pleased to direct the respondents to grant the applicants same benefits of notional seniority, fixation of pay, notional increments, participation in GPF and the Pension Scheme as admissible to their batchmates/similarly placed applicants in O.A. No. 924/2013, 928/2013, O.A. No. 930/2013, O.A. No. 938/2013 and in O.A. No. 4240/2015 and pass such other order(s)/direction(s) as may be deemed fit and appropriate in the facts of the applicant's case.”

2. Briefly stated, the facts of the case are that the respondents issued an advertisement in the year 2002 for selection to the post of Assistant Teacher in Municipal Corporation of Delhi (MCD). The applicants applied for



the said post and participated in the selection process. In December, 2002, the respondents declared the result in respect of some of the candidates and issued offer of appointment. On receipt of the offer of appointment in June 2003, those candidates joined the duty. However, the respondents did not declare the result of the applicants and certain others on the ground that they do not belong to the reserved community of Delhi. Ultimately, the appointment letter was issued to the applicant No.1 on 10.08.2004 and to applicant No.2 on 15.07.2004.

3. It is submitted by learned counsel for applicants that delay in joining the post is not at all attributable to the applicants and since they are part and parcel of the recruitment of 2002, they be granted the similar benefits as have been granted by this Tribunal in O.A. No. 930/2013, O.A. No. 924/2013, O.A. No. 828/2013, O.A. No. 938/2013 and O.A. No.4240/2015.

4. The applicants submit that despite being similarly situated with the applicants in abovementioned O.As., they have been discriminated and denied their legitimate rights accruing therefrom. They further state that despite being identically placed, they are compelled to approach this Tribunal for the same benefits as granted to similarly placed persons.



5. Today, we heard Ms. Anubha Bhardwaj, learned counsel for applicants, Mr. Manjeet Singh Reen, learned counsel for respondent No.1 and Mrs. Anupama Bansal, learned counsel for respondent No.2

6. At the outset, learned counsel for applicants submitted that the applicants be granted the same benefits as have been granted to the similarly situated persons in O.As. referred to above.

7. In **Inder Pal Yadav Vs. Union of India**, 1985 (3) SCR 837, the Hon'ble Supreme Court held that those, who do not come to the Court, need not be at a disadvantage to those, who rushed to the Courts and if they are otherwise similarly situated, they are entitled to similar treatment, if not by anyone else at the hands of this Court. In **State of Karnataka and Others Vs. C. Lalitha**, (2006) 2 SCC 747, it was held by the Hon'ble Supreme Court that service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the court that would not mean that persons similarly situated should be treated differently [**K.I. Shephard Vs. Union of India**, AIR 1988 SC 686; and **K.T. Verappa and Others Vs. State of Karnataka and Others**, 2006 (9) SCC 406)].



8. In the circumstances and for the aforesaid reasons, the O.A. is disposed of at the admission stage itself, directing the respondents to verify as to whether the applicants are similarly situated with the applicants in O.A. No. 930/2013, O.A. No. 924/2013, O.A. No. 828/2013, O.A. No. 938/2013 and O.A. No.4240/2015; and if it is found that they are similar to those applicants, to consider their claim for grant of notional seniority, fixation of pay, notional increments, participation in GPF as admissible to their batch-mates/similarly placed persons, in terms of the directions contained in the aforesaid O.As., as also the ratio laid in **Inder Pal Yadav, C. Lalitha, K. I. Shephard** and **K T Veerappa** (supra). This exercise shall be completed within a period of three months from the date of receipt of a copy of this order, under intimation to the applicants. It is made clear that we have not expressed any opinion on the merits of the matter. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

/sd/vb/akshaya/