



Item No.24

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

**O.A. No.828/2021
M.A. No. 1082/2021
M.A. No. 1088/2021**

This the 8th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Mr. Rajender Meena
Son of Shri Chhote Lal
Aged about 24 years
Designation Assistant Sanitary Inspector
Resident of 4 NDMC Quarter, Prithviraj Market
Khan Market, New Delhi-110003.
2. Mr. Kailash Prasad Meena
Son of Shri Shankar Lal Meena
Aged about 26 years
Designation Assistant Sanitary Inspector
Resident of F-5, Palika Niwas
Lodhi Road, New Delhi-110003.
3. Ms. Sita Srivastava
Daughter of Shri Pooran Chandra
Aged about 28 years
Designation Assistant Sanitary Inspector
Resident of H. No. 290B, First Floor
Leela Ram Market, South Extension Part-II
New Delhi-110049.
4. Mr. Abhishek Agarwal
Son of Shri Kailash Chandra Agarwal
Aged about 32 years
Designation Assistant Sanitary Inspector
Resident of 2C/20, Sector-02
Peshwa Road, Gole Market, New Delhi.
5. Mr. Anurag Upadhyay
Son of Shri Vishan Chandra Upadhyay
Aged about 28 years
Designation Assistant Sanitary Inspector

Resident of 38, CWC
Lodhi Colony, New Delhi-110003.

6. Mr. Hans Raj Meena
Son of ShriSuwaLalMeena
Aged about 36 years
Designation Assistant Sanitary Inspector
Resident of H-1, PalikaNiwas, Lodhi Colony
New Delhi-110003.



7. Mr. Sandeep Kr. Lochab
Son of ShriMangat Ram
Aged about 35 years
Designation Assistant Sanitary Inspector
Resident of House No. 532, Village & Post Office
Auchandi, Near BadiChopaWaliGali
Auchandi, New Delhi-110039.

8. Mr. AnandPrakashPandey
Son of Shri Jai Narayan Pandey
Aged about 34 years
Designation Assistant Sanitary Inspector
Resident of Flat No. 1, ESS, West Kidwai Nagar
New Delhi-110023.

9. Mr. NishantRana
Son of ShriAnang Pal
Aged about 30 years
Designation Assistant Sanitary Inspector
Resident of J-66, IIIrd Floor, Gautam Nagar
New Delhi-110049.

10. Mr. Deepesh Kumar Garg
Son of Shri Mahesh Chand Garg
Aged about 31 years
Designation Assistant Sanitary Inspector
Resident of Flat No. 01, ESS AurobindoMarg
New Delhi 110003.

11. Mr. Rakesh Kumar
Son of Shri Ram Prasad Ram
Aged about 40 years
Designation Assistant Sanitary Inspector
Resident of H No. 234, Gali No. 09
Sai Enclave, Mohan Garden
Uttam Nagar, New Delhi-110059.



12. Mr. Ajay Kumar Rai
Son of ShriMarkandeyRai
Aged about 31 years
Designation Assistant Sanitary Inspector
Resident of 23, Palika Gram Housing Complex
Sarojini Nagar, New Delhi.

13. Mr. Satyajeet
Son of ShriSantosh Kumar Gupta
Aged about 27 years
Designation Assistant Sanitary Inspector
Resident of H No. 21, Part II
Jharoda, Burari, Delhi-110084.

14. Mr. DayaNandYadav
Son of Shri Krishna Yadav
Aged about 27 years
Designation Assistant Sanitary Inspector
D-16, PalikaNiwasLodhi Colony
New Delhi-110003.

... Applicants

(through Sh. Pramod Kumar Sharma, Advocate)

Versus

1. New Delhi Municipal Council
Through its Director (P)
Palika Kendra, New Delhi.

2. Delhi Subordinate Services Selection Board
Through its Chairman
Govt. of NCT of Delhi
F-18, Karkardooma, Institutional Area
Delhi-11009.Respondents

(through Sh. Anuj Kumar Sharma, Advocate)

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ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicants were appointed as Assistant Sanitary Inspectors, (ASI) in the New Delhi Municipal Council (NDMC) through order dated 18.05.2018, on being selected by the Delhi Subordinate Service Selection Board (DSSSB), the second respondent herein. They were put in the pay scale of Rs. 19,900-63,200, Level-2 in the 7th CPC pay matrix, with admissible allowances. Soon after their appointment, the applicants started making inquiries about the correctness of the pay scale allowed to them. According to the applicants, the pay scale mentioned in the Advertisement was the one of Rs. 8500-26300 with Grade Pay of Rs. 2800/- whereas the corresponding enhanced pay was not extended to them. They have also drawn comparison with the pay scale allowed to the SafaiKaramchari, on promotion to the post of ASI. They are not satisfied with the answer given by the respondents in the reply to an application filed under the Right to Information Act, 2005.

2. Today we heard Sh. Pramod Kr. Sharma, learned counsel for the applicants and Sh. Anuj Kumar Sharma, learned counsel for the respondents.

3. It is rather unfortunate that soon after their being appointed, the applicants have pushed their employer to litigation and too much of correspondence as regards the pay scale. Despite our repeated efforts, we are unable to get a satisfactory answer from the learned counsel for the applicants as to the basis for their claim for higher grade pay or pay scale.



4. The only effort made by them is to compare the pay structure with that of the promoted ASIs. It is fairly well known and settled that the pay scale of an official, who holds a post on promotion is bound to be substantially different, compared to that of the one, who was appointed to that very post on direct recruitment. It is only when an ASI, appointed by way of direct recruitment and junior to the applicants, but higher scale of pay, that the applicants can have any grievance. The other occasion is where a specific notification or provision exists stipulating the pay scale attached to the post and they are being denied the benefit thereof. None of these circumstances exist in case of the applicants. The circumstances under which the first

respondent has adopted the pay scales particularly the one stipulated by them for the post of ASI by way of direct recruitment, are not placed before us.

5. We do not find any merit in the OA and accordingly, the same is dismissed.



Pending MAs shall also stand disposed of.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

rk/ns/sd