



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**O.A. No. 1356/2021
M.A. No. 1747/2021**

This the 20th Day of July, 2021

(Through Video Conferencing)

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

1. R.K. Bindal (aged 75 years)
S/o Sh. B.D. Bindal
R/o GH-9/641, Paschim Vihar,
New Delhi-110087
Mobile: 9896979892
Email: rkbindal@rediffmail.com
Post- Executive Engineer (Civil)
Group:- A
Employee ID:- 124206
Retirement Date:- 31.03.2006
2. P.K.Bhardwaj(aged 75 years)
S/o Sh. M.L Bhardwaj
R/o A-102, Vidyut Apartments
I.P. Extension, Plot No.81
New Delhi-110092
Mobile:9873122271
Email: pkb-eng@yahoo.co.in
Post-Executive Engineer (Civil)
Group:-A
Employee ID:-127854
Retirement Date:- 30.12.2005
3. B.K. Sandill (aged 71 years)
S/o Sh. Devendra Pall
R/o C-138, Kehsav Kunj, NDMC Society
H-3, Vikaspuri, New Delhi-110018
Mobile: 9910063930
Email: bksandill@yahoo.com
Post: Executive Engineer (Civil)
Group:- A
Employee ID:-114405
Retirement Date: 30.09.2009

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4. R. K. Batra (aged 71 years)
 S/o Sh. B.D. Batra
 R/oA-2/55, Sector-5, Rohini
 New Delhi-110085
 Mobile:9818879125
 Email: rkbatraredcross@gmail.com
 Post:- Executive Engineer (Civil)
 Group:- A
 Employee ID:-124222
 Retirement Date:- 3 1.07.2009

... Applicants

(By Advocate : Shri Sandeep Jindal)

Versus

- 1) New Delhi Municipal Council
 Through its Secretary
 Palika Kendra, Sansad Marg
 New Delhi-110001
 Email:-secretary@ndmc.gov.in
- 2) Chairman, New Delhi Municipal Council
 Palika Kendra, Sansad Marg
 New Delhi-110001
 Email:-chairperson@ndmc.gov.in
- 3) Secretary, New Delhi Municipal Council
 Palika Kendra, Sansad Marg
 New Delhi-110001
 Email: secretary@ndmc.gov.in
- 4) Director (Personnel)-II, New Delhi Municipal Council
 Palika Kendra, Sansad Marg
 New Delhi-110001
 Email-director.personnel(@ndmc.gov.in

... Respondents

(By Advocates : Ms. Sriparna Chatterjee,
 Ms. Esha Mazumdar)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy, Chairman :

The applicants retired more than a decade ago as adhoc Executive Engineers (EE) (Civil). They filed this OA with a prayer to direct the respondents to treat their promotion to the post of EE(Civil), in accordance with 1992 Rules, *inasmuch* as vacancies arose before the new rules of 2004 came into force. They contend that in LPA No. 739/2003, a Division Bench of the Hon'ble High Court of Delhi vide its order dated 01.03.2005 directed that the vacancies of the EE(Civil) in the NDMC that arose prior to coming into force of the new rules of 2004, must be filled in accordance with the old Rules of 1992. The applicants contend that such a facility was not extended to them. It is stated that on consideration of their representations, notes were also prepared in the recent past, pointing out irregularities in the appointments and that they need to convene a review DPC, but no steps have been taken thereto.

2. Today we heard Sh. Sandeep Jindal, learned counsel for the applicants and Ms. Sriparna Chatterjee, learned counsel for the respondents.

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3. At the outset, we may observe that the OA is hopelessly barred by limitation. The applicants retired from service between 2005 and 2009 and they have chosen to file the OA after more than a decade in case of one person, and more than one and a half decade in case of others. Assuming that relief was granted to a person in 2005, the applicants could have pursued the remedies at that point of time.

4. Even if the applicants were in service, the claim could not have been entertained. They retired more than a decade ago and at this stage, the question of convening a review DPC or to consider their cases, in any other manner, does not arise.

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

Pending MA, if any, shall also stand disposed of.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

sd/rk/ns/akshaya/