

Item No.25



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

OA No.1125/2021

This the 21st day of June, 2021

(Through Video Conferencing)

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

1. Bhoolay Ram,
S/o Hari Ram,
Aged about 58 years,
R/o Village Patwari
P.O. Bisrak, Greater Noida,
Sector-2, Gautam Budh Nagar,
U.P., Group-B
2. Sanjeev Kumar,
Aged about 54 years,
S/o Shreeom Sharma,
D-33, M.C.D. Colony,
New Usmanpur
Delhi-110053
EDMC, Group-B.
3. Balam Singh,
Aged about 59 years,
Sh. J.S. Rawat,
C-151, West Vinod Nagar,
Delhi-110091
EDMC, Group-B.
4. Indraj Singh,
Aged about 60 years,
S/o Netram,
280 Village Karkardooma, Delhi-110092.
EDMC Group-B
5. Ashok Parcha
aged about 54 years
S/o Somwarai,
House No.568/9 Ambadkar
Basti Gonda, Delhi-110053
EMDC Group-B.
6. Darshan Lal,
S/o Inder Lal,

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7. Aged about 59 years,
R/o 107/4, Gali No.6,
East Azad Nagar, Delhi-110051.
7. Dinesh Kumar,
S/o Sh. Raj Kishore,
Aged about 56 years,
R/o J-23-34,
Neel Shahdara (South) Seelampur,
Delhi, Group B.
8. Jai Bahadur Singh,
S/o Arjun Singh,
Aged about 58 years,
R/o D-100, MCD Flats,
Shahdara (North), District Usmanpur, Delhi
Group-B.
9. Mukesh Kumar,
S/o Late Shri Ram Nath Singh,
Aged about 59 years,
R/o Shahdara, North (EDMC),
Sanjay Nagar (GZB), U.P.
Group B.
10. Virender Prasad,
S/o Late Sh. Bhisam Pandit,
Aged about 59 years,
R/o Village Hatewa, Post Bilaspur,
Dist. G.B. Nagar, U.P.
Group-B.
11. Shankar Lal,
Aged about 57 years,
S/o Late Sh. Madan Lal,
R/o 51-B/D-2, Kondali,
D.D.A. Flats, Delhi-110096
Group-B.
12. Duli Chand,
S/o Sh. Ramchander,
Aged about 58 years,
R/o Village Post Mirzapur,
Niloni Distt. Gautam Budh Nagar
(U.P.) Group-C.
13. Kiranpal Singh,
S/o Sh. Rampal Singh
Aged about 57 years,
R/o Village Usman Nagar,

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- Post Office Loni,
Ghaziabad, U.P. Group-B.
14. Vinod Kumar,
Aged about 60 years,
S/o Chander Kumar,
R/o A-497, Gali No.05, Meet Nagar,
Delhi-110094
Group-B (Retired)
 15. Surender Singh,
Aged about 61 years,
S/o Lt. Sh. Nand Kishore,
R/o D-146, IInd Floor, Kilokri Village,
Near Community Centre, New Delhi
Group-B (Retired).
 16. Pawan Kumar,
Aged about 60 years,
S/o Sh. Suraj Bhan,
R/o D-551, Gali No.5,
Near Ashok Nagar,
Delhi- Group-B (Retired).
 17. Dushyant Kumar Saini,
Aged about 61 years,
S/o Late Sh. Nand Kishore,
House No.183-C-2
Hari Nagar, Asharam,
New Delhi, Group-B.
 18. Rohtash,
Aged about 43 years,
S/o Sh. Jaipal Singh,
House No.63/B,
Gali No.7, Nasirpur Colony,
Palam, New Delhi-110045
Group-B.
 19. Amardeep,
Aged about 56 years,
S/o Sh. Pandit Rama Nand,
House No.204, Pandit Mohalla,
Rang Pura, New Delhi-110037
Group-B.
 20. Satish Kumar Sharma,
Aged about 60 years,
S/o Sh. Harish Chand Sharma,
R/o 1/3 Opposite Sector,

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12A, Mala Road,
Gurugram, Haryana
Group-B.

21. Ganesh Das,
Aged about 58 years,
S/o Sh. Soni Lal,
R/o House No.109/1,
Village and Post Office,
Guri, Harsaru, District Gurugram,
Haryana
Group-B.

... Applicants

(By Advocate: Shri Bharat Bhushan Bhatia)

Versus

1. East Delhi Municipal Corporation,
Through its Commissioner,
HQ, Patparganj Industrial Area,
Delhi-110092.
2. Municipal Health Officer,
Public Health Department,
Plot No.419, MCD,
Udyog Sadan, Patparganj Industrial Area,
Delhi-110092.
3. South Delhi Municipal Corporation,
Through its Commissioner,
Jawahar Lal Nehru Marg,
Civic Centre, New Delhi.
4. Municipal Health Officer,
Public Health Department,
South Delhi Municipal Corporation,
Jawahar Lal Nehru Marg,
Civic Centre, New Delhi.

...Respondents

(By Advocate : Shri R.K. Jain)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

Certain steps taken for the re-organisation of the Public Health Department in the South Municipal Corporation of Delhi have generated a prolonged litigation. The steps were initiated way back in the year 2005 for changing the structure of the Public Health Department. Earlier, there existed two wings, namely, Vaccinators and Assistant Malaria Inspectors. The applicants were working as Assistant Malaria Inspectors (AMIs) in those days. Some of their colleagues filed Writ Petition No.9593/2016 before the Hon'ble High Court of Delhi with a prayer to extend them, the benefit of the revision of pay, adopted by the Corporation. The Writ Petition was transferred to the Tribunal and renumbered as TA No.266/2009. That was disposed of with certain observations on 14.05.2019. This was followed by filing of OA No.3044/2011 by another Group of AMIs and Malaria Inspectors (Mis). That was also disposed of in the year 2012 on the same lines.

2. Stating to be in compliance with the order in TA No.266/2009, the South Delhi Municipal Corporation

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passed order dated 16.01.2018, extending benefits to the AMIs. However, that was withdrawn through office order dated 21.02.2018. The applicants filed this OA challenging the order dated 21.02.2018 and with a prayer to extend them the benefit of office order dated 16.01.2018.

3. The applicants contends that though they were not parties to the TA No.266/2009, they are entitled to get the benefit that flowed from the order passed by this Tribunal.

4. We heard Shri Bharat Bhushan Bhatia, learned counsel for the applicant and Shri R.K. Jain, learned counsel for the respondents, at the stage of admission itself.

5. This is nothing short of a speculative litigation initiated by the applicants. The reorganization of the department took place way back in the year 2005. Left to themselves the applicants did not raise any grievance about it. Some of the AMIs approached the Hon'ble High Court of Delhi in the year 2006 and the Writ Petition was transferred to the Tribunal in the year 2009. Except that some observations were made, no tangible relief was

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granted in the TA. However, stating to be in compliance with the order dated 14.05.2009 in the TA, the Corporation passed an order dated 16.01.2018, which reads as under :-

“OFFICE ORDER

In compliance to the order of Hon'ble CAT in TA No.266/2009, the pay scale of AMI's of the Malaria Department appointed upto 30.10.1998 are hereby given the pay scale with effect from 01.01.1973 equal to re-designated vaccinator i.e. PHI with the terms & conditions as mentioned below :

S.No.		CPCs	Pay Scale
1.	III CPC		425-640
2.	IV CPC		1400-2600
3.	V CPC		5000-8000
4.	VI CPC		9300-34400+GP 4200

1. The revised pays scales will be implemented w.e.f. 01.01.1973 i.e. the date of implementation of 3rd pay commission.
2. Notional benefit will be given from w.e.f. 01.01.1973 to 31.12.1995 and financial benefits will be given w.e.f. 01.01.1996 i.e. date of implementation of 5th Pay Commission.
3. Arrear will be deposited in the G.P.F. of respective employees till date of this order.
4. The retired employees will be given Pension benefits on implementation of the revised pay scale.

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This issues with the prior approval of competent authority.”

6. The benefits that conferred therein, are really enormous and financial implication is very high. Obviously by taking note of that and some other factors, the Corporation has withdrawn the same vide order dated 21.02.2018.

7. The persons who should have the real grievance against the order dated 21.02.2018, must be those who were applicants in TA No.266/2009. It is not known as to whether they are pursuing the remedies. The applicants just cannot have any grievance about the order dated 21.02.2018. They cannot independently challenge it, that too at this stage.

8. We do not find any merit in the OA and the same is, accordingly, dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Lg/jyoti/rk/sd