



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

**O.A. No. 2018/2021
M.A. No. 1622/2021**

This the 13th Day of September, 2021

(Through Video Conferencing)

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

1. Mr. Harish Chand Bairwa
S/o Shri Mange Lal Bairwa
Age 35 years (Blood Group AB Positive)
Presently APHI
Add: Village Post Jamdoli, Tehsil Reni,
District Alwar, Rajasthan- 301409
2. Ms. Vandana Parmar
D/o Shri Shiv Singh Parmar
Aged 29 years (Blood Group A Positive)
Presently APHI
Add C/4/B, Street No. 12,
New Modran Shahdara
Delhi – 110032
3. Mr. Mor Dhvaj
S/o Shri Nand Kishore,
Aged 27 (Blood Group O+ Positive)
Presently AMI
R/o Village and Post Navjheel
Tehsil Math, District Mathura,
UP 281203

... Applicants

(By Advocate : Shri Pawan K. Bahl)

Versus

South Delhi Municipal Corporation,
Through Commissioner,
Civic Centre,
Minto Road, New Delhi

... Respondent

(By Advocates : Shri Sanjay Singh, Shri D.S. Mahendru and Shri Arun Birbal)



O R D E R (ORAL)

Hon'ble Ms. Manjula Das, Chairman:

M.A. No.1622/2021 seeking permission to file the OA jointly, is allowed.

2. The applicants have filed the present OA under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

“(i) To direct the respondent to pay the similar salary as being paid to the similarly situated employees i.e. regular employees and contractual employees who were applicants in order dated 5.4.2017 in OA 3754/15 and order dated 30.8.19 in OA No. 2610/19 of this Tribunal and 18.11.2019 of the High Court of Delhi in CW No. 10383 of 2017 and 14.1.20 on the formula of equal pay for equal work; and

(ii) To direct the respondent to pay the salary as well as the arrears as per the judgment dated 5.4.17 and modified judgment dated 18.11.2019 to the applicants from the date from which the same has been given to the applicants in the judgment dated 5.4.17 and 30.8.2019 and 18.11.19 and 14.1.20 of the High Court; and

(iii) To direct the respondents to pay the salary/arrears from the date of appointments till applicants are appointed on regular post for the period for which the applicants worked on contract basis as given to similarly situated employees in various judgments mentioned above; and

(iv) To pass any other order and orders as deemed fit and proper in the facts of the case.”

3. The applicants were appointed on contract basis to the posts of Assistant Public Health Inspectors (APHI) and Assistant



Malaria Inspector (AMI) in September, 2010. It is stated that some of these applicants are performing duties similar to the employees working on regular basis. However, there is a lot of pay difference between the two categories. The applicants claim that they are entitled for similar pay as is being given to similarly situated regular and contractual employees. In support of their claim, the applicants rely upon the Tribunal's order/judgment dated 5.04.2017 in OA 3754/2015.

4. However, from perusal of pleadings available on record, we find that the applicants have not exhausted the alternative remedy of making a representation before the appropriate authority, raising their grievances.

5. Learned counsel for the applicants submits that the applicants would be satisfied if this OA itself is treated as a comprehensive representation on behalf of the applicants, which may be decided by the respondents by passing a reasoned and speaking order. To such prayer of the learned counsel for the applicants, there is no objection from the learned counsel for the respondents.

6. In view of the aforesaid, while accepting the prayer of the learned counsel for the parties, we direct that based on averments made in the instant OA, the applicants shall make representations before the competent authority within 15 days from today. On receipt of such representations, the competent

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authority shall pass a reasoned and speaking order within a period of three months thereafter. It is made clear that if the competent authority finds that the applicants are similarly situated as the applicants in OA 3754/2015, same benefits shall be extended to them as extended to the applicants in the aforesaid OA vide order dated 05.04.2017. The decision to be arrived at after due verification of records, shall be communicated to the applicants forthwith. Liberty is, however, granted to the applicants to approach this Tribunal if they are not satisfied with the decision of the competent authority.

7. With the above observation and without going into the merits of the case, the OA is disposed of. There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

/dkm/akshaya/f/