



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

**O.A. No. 2019/2021
M.A. No. 1621/2021**

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. Ashish Sharma
S/o Shri R.K. Sharma
Age 28 years (Blood Group B Negative)
CAMI, SDMC, Group – B
R/o B-3/42, Sector Rohini,
Delhi – 110089
2. Mr. Dimple
S/o Shri Arjun Singh
Aged 38 years (Blood Group B Positive)
CAMI, SDMC, Group – B
R/o WZ-358, Madipur Village
New Delhi – 110063
3. Mr. Sonu
S/o Shri Palaram
Aged 31 (Blood Group AB + Positive)
CAMI, SDMC, Group – B
R/o Village and Post Office Gangbar,
Tehsil Panipat, District Panipat, Haryana
4. Ms. Shalu Kumari,
D/o Shri Sanjay Kumar
Aged 26 (Blood Group AB Positive)
CAMI, SDMC, Group – B
R/o D-2/43, Rajasthali Apartments,
Near Pitampura Metro Station,
Pitampura, Delhi.
5. Ms. Bandna Kumari,
D/o Shri Raghvendra Kumar Sharma,
Aged 30 (Blood Group A -)
CAMI, SDMC, Group – B
R/o D1/1B, Mansa Ram Park,
Uttam Nagar, New Delhi – 110059



6. Mr. Sachin Verma,
S/o Shri Raj Kumar Verma,
Aged 32 (Blood Group A Positive)
CAMI, SDMC, Group – B
R/o G-1/106-107,
2nd Floor, Sector 16
Rohini, New Delhi-110089
7. Mr. Captain Singh
S/o Shri Hoshiar Singh
Aged 49 (Blood Group AB Positive)
CAMI, SDMC, Group – B
R/o H.No. 20/469/2, Udhampur Singh Park
Wazirpur, Delhi – 110053
8. Mr. Rohit,
S/o Shri Yad Ram,
Aged 27 (Blood Group B Positive)
CAMI, SDMC, Group – B
R/o H. No. 85, New Kabirpur,
Ward No. 20
Near Saini Bhawan, Sonepat, Haryana.
9. Mr. Aakash Singh,
S/o Shri Maan Singh,
Aged 28 (Blood Group O Positive)
CAMI, SDMC, Group – B
R/o B-62, Mansaram Park,
Uttam Nagar, New Delhi – 110045
10. Mr. Sulekh
S/o Shri Ajeet Singh
Aged 36 (Blood Group O Positive)
CAMI, SDMC, Group – B
R/o Village and Post Office Paprawat
Najafgarh, New Delhi – 110043
11. Mr. Neeraj Kumar Mann,
S/o Shri Badle Ram Mann,
Aged 46 (Blood Group A Positive)
CAMI, SDMC, Group – B
R/o H. No. 76, Village Holambi Khurd
Delhi – 110082
12. Mr. Anshul Kumar,
S/o Shri Ram Niwas,
Aged 28 (Blood Group B Positive)
CAMI, SDMC, Group – B
R/o H.No. 5/595



Chitragupt Colony, Kasganj

13. Mr. Santosh Kumar
S/o Shri Ramadeen
Aged 38 (Blood Group O Positive)
CAMI, SDMC
R/o H. No. RZ-16, Rajiv Nagar Extension
Begampur, Sector - 22,
Rohini, Delhi - 110086

14. Mr. Vikram Singh,
S/o Shri Raghuveer Singh
Aged 33 (Blood Group B Positive)
CAMI, SDMC
R/o PWD City Store
H.No. G-49, New Colony, Jhunjhunu

... 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.1621/2021 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 similar pay to the contractual employees in all the categories similar pay being paid to regular employees; 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 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.

Item No.11



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/