

Item No. 30



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No. 1638/2017

M.A. No.740/2020

Friday, this the 18th day of June, 2021

(Through Video Conferencing)

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

1. Mr. Pradeep Sharma, (WSI), Age 56 years
So Late Shri Bishmber Das
R/o E-99, Sector-3, Rohini
New Delhi-88.
2. Girija Shankar Shukla
(WSI) Age 56 years
S/o Shri Ram Daur Shukla
R/o Vill Mukundpur
Post, Mahuli Distt.
Sant Kabir Nagar, UP-272172
3. Mr. Jaiprakash
Jr. Mech/WSI, Age 37 years
S/o Shri Madan lal
R/o D-188, Shakurpur, J.J. Colony
New Delhi-34.
4. Mr. Devendra Pal
(Jr. Mech), Age 36 years
S/o Shri Mahipal Singh
R/o HO. No.219.
Village Maharajpur, Site-4, Sahibabad
Ghaziabad, UP-201010.
5. Mr. Anil Kumar Tanwar
(SWA), Age 34 year
S/o Shri Anand Kishore Tanwar
R/o H. No.31, Shyam Nagar
Okhla Industrial Estate
New Delhi-110020.
6. Mr. Pawan Kumar
(WSA), Age 30 years

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S/o Late Shri Balbir Singh
R/o H.No.177, Nawada Village
Uttam Nagar, New Delhi-110059.

7. Mr. Atul Kumar
(Jr. Mech) Age 25 years
S/o Shri Vijay Kumar
R/o Dhanpata Niwas, H.No. C-7/8
Mandawali Unchey Par
Delhi-92.
8. Mr. Suresh Chand Gupta
(Sr. Mech) Age 50 year
S/o Late Shri Brij Lal Gupta
R/o H. No.RZF-41/23, Gali No.41
Sadhnagar, Palam Colony
Delhi-45.
9. Mr. Nilesh Kumar Shriwastav
(Jr. Mech) Age 30 year
S/o Shri Rajender Kumar
R/o H.No.G-175, Gali No.8
Bhagat Singh Park
Siraspur, Delhi-42.
10. Mr. Pawanesh Kumar
(Sr. Mech) Age 40 years
S/o Shri Ram Niwas Sharma
R/o 99 D, DDA Flat
Mansarovar Park
Delhi-32.
11. Mr. Avinash Chandra
(Jr. Mech) Age 33 years
S/o Shri Mahendra Thakur
R/o 66-A, Munirka
New Delhi.
12. Mr. Narender Kumar
(Jr. Mech) Age 36 years
S/o Shri Malkhan Singh
R/o H.No.335, Mundhela, Kalan
New Delhi-110079.
13. Ms. Neena Pandey
(Sr. Mech) Age 43 year
D/o Mr. Late Bimal Prasad

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R/o C-30, West Jyoti Nagar Extn
Loni Road, Shahdara, Delhi-94.

14. Mr. Hemant Kumar
(Jr. Mech) Age 29 year
S/o Late Shri Dev Nath
R/o A-475, Jwala Puri, Sunder Vihar
New Delhi-87.
15. Mr. Satvir Saini
(Jr. Mech) Age 54 year
S/o Late Shri Pyare Lal Saini
R/o H. No.27, Mandir Wali Gali
Opp. Mandir Azadpur Village
Delhi-33.
16. Mr. Subhash Chander
(Store Keeper) Age 56 year
S/o Late Shri Mangat Ram
R/o H.No.RZ-165
Dharampura – 1st Kakrola Road
Najafgarh, New Delhi-43.
17. Ms. Minaxi
(Jr. Mech) Age 29 years
D/o Shri Mahesh Kumar
R/o VPO – Rasulpur
Tehsil Palwal, Distt Palwal
Haryana-121102.
18. Mr. Sewa Singh
(Jr. Mech) Age 30 year
S/o Shri Balbir Singh
R/o H.No.572, VPO-Rohera
District Kaithal
Haryana-136044.
19. Mr. Arun Kumar Gaur
(Sr. Mech) Age 30 year
S/o Shri Deen Dayal Sharma
R/o H.No.54, Jamdagni Niwas
Extn. 2B, Street No.3
Nangloi, Delhi-41.
20. Mr. Jitin Kumar
(Jr. Mech) Age 28 year
S/o Sh. A-289, Street No.-11A

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Mahalaxmi Enclave
Karawal Nagar, Delhi-94.

... Applicants

(By Advocate : Ms. Rashmi Chopra)

Versus

1. Chief Secretary
Govt. of NCT of Delhi
I.P. Estate Players Building
New Delhi.
2. Secretary
Department of Training and
Technical Education
Muni Maya Ram Marg
Pitampura, Delhi-110088.

... Respondents

(By Advocate : Mr. Amit Yadav)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman :**

The applicants herein are working in various posts such as Junior Mechanic, Store Keeper etc. in the respondent-institution, i.e., GB Pant Engineering College, on contractual basis, for the past several years. They contend that though the respondents are paying the salary at the minimum of the pay scale attached to the posts, they are not extending the benefit of House Rent Allowance (HRA), Travelling Allowance (TA), leave benefits i.e. Earned leave, Maternity, Paternity, LTC, Gratuity etc. Placing reliance upon the orders passed in favour of certain employees, the applicants seek a relief in the form of a direction

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to the respondents to extend them, the benefit of HRA, TA, Leave Encashment, Earned Leave, Maternity, Paternity, Causal Leaves etc. The applicants contend that they are discharging the same functions as those who are working on regular basis on respective posts; and there is absolutely no basis for the respondents in not maintaining the parity.

2. The respondents filed a detailed counter affidavit. They contend that the applicants are engaged on contractual basis and they cannot compare themselves with those who are appointed on regular basis on selection. It is stated that as a policy, it has been decided to pay salary to the contractual employees at the minimum of pay scale attached to the post and the same is being extended to the applicants from time to time.

3. Today, we heard Ms. Rashmi Chopra, learned counsel for the applicants and Mr. Amit Yadav, learned counsel for the respondents.

4. The applicants claim the benefits such as HRA, LTC etc. It is not in dispute that their engagement is on contractual basis. It is only when an employee is appointed on regular

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basis, that the regular pay scale attached to the post is granted, together with allowances.

5. This very issue fall for consideration before this Tribunal in **Ashok Kumar and others v. Govt. of NCT of Delhi and others** (OA No.3530/2018) decided on 18.02.2021. The only difference is that the applicants therein were working as Lecturers on contractual basis, whereas the applicants herein are working in other capacities. This Tribunal took the view that the applicants in that OA are entitled to a minimum of the time scale and they cannot claim other allowances, which are permissible to the regularly appointed persons.

6. Following the same, we dispose of the O.A., directing that the applicants shall be entitled to get the salary at the minimum of the pay scale attached to the post against which they are working on contractual basis. In case the Government has extended any other benefit to such employees, the respondents shall extend the same to the applicants. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

June 18, 2021
/sunil/vb/ns/sd