

**Central Administrative Tribunal  
Principal Bench: New Delhi**

RA No.190/2016 in  
OA No.731/2014  
MA No.2735/2016

This the 6<sup>th</sup> day of January, 2017

**Hon'ble Mr. V.Ajay Kumar, Member (J)  
Hon'ble Mr. Shekhar Agarwal, Member (A)**

1. Prakash Kumar  
S/o Shri Brij Lal  
R/o A-54, Phase . IA Om Vihar, Uttam Nagar  
New Delhi . 110 059.  
Presently posted as Daily Wager Chowkidar  
M.C.D. Primary School  
A-1/A, Janak Puri New Delhi . 110 058.
2. Ramanand  
S/o Shri Kajormal  
R/o D-193, D-Block  
J.J.Colony, Shiv Vihar  
Delhi.  
Presently posted as Daily Wager Chowkidar  
S.D.M.C.Primary School B-3A, Janak Puri  
New Delhi . 110 058.
3. Ramesh Kumar Singh  
S/o Shri Suhut Narain Singh  
R/o B-36, B-Block, Janta Colony  
Raghbir Nagar  
New Delhi.  
Presently posted as Daily Wager Chowkidar  
M.C.Primary School  
Guru Nanak Pura  
New Delhi . 110 018.
4. Dharamveer Singh  
S/o Shri Om Prakash  
R/o 25A, Village Bodhela  
Vikas Puri  
New Delhi . 110 018.  
Presently posted as Daily Wager Chowkidar  
S.D.M.C.Primary School B-Block, Vikas Puri  
New Delhi . 110 018.
5. Mahender Kumar  
S/o Shri Ram Swaroop  
R/o RZ-E-627/17  
Sadh Nagar-I, Palam Colony

New Delhi . 110 045.  
Presently posted as Daily Wager Chowkidar  
M.C.Primary Model School C-2, Janak Puri  
New Delhi . 110 058. ñ . Original Applicants

(By Advocate: Shri K.P.Gupta)

## Versus

1. Commissioner  
South Delhi Municipal Corporation  
Civic Centre  
JLN Marg, Minto Road  
New Delhi. 110 002.
  2. Director (Education)  
Education Department  
South Delhi Municipal Corporation  
Civic Centre,  
JLN Marg, Minto Road  
New Delhi. 110 002.
  3. Deputy Director (Education)  
West Zone  
Education Department  
South Delhi Municipal Corporation  
Civic Centre  
JLN Marg, Minto Road  
New Delhi-110 002.

... Respondents

(By Advocate: Ms.Anupama Bansal)

## **O R D E R(Oral)**

**By Hon'ble Mr.V. Ajay Kumar, Member (J): -**

**MA-2735/2016**

This MA filed by the review applicant (respondents in OA), seeking condonation of delay of 53 days in filing the RA is allowed in the circumstances and in the interest of justice and for the reasons mentioned therein.

## **RA-190/2016**

The original applicants who are working as Chowkidars under the respondent - South Delhi Municipal Corporation (SDMC) filed this OA seeking directions to the respondents to regularize their services to the post of Chowkidar retrospectively w.e.f. 08.06.2007 with all consequential benefits. Only a short reply was filed by the respondents. In the said short reply it was stated that the applicants were daily wagers w.e.f. 2007 and the matter of regularization of such employees is a policy matter being dealt by the Education Department. The Tribunal has disposed of the OA vide order dated 25.05.2016 as under:-

"8. In the circumstances and for the aforesaid reasons, the OA is allowed and the respondents are directed to consider the cases of the applicants for regularization as Chowkidars w.e.f. the date on which their juniors were regularized, with all consequential benefits. This exercise shall be completed within 60 days from the date of receipt of a copy of this order. No costs."

2. Now the review applicants who are respondents in the OA filed the RA on the main ground that, Shri Sunil Kumar S/o Brij Mohan and Shri Subhash Chand, S/o Mehar Chand who were mentioned as juniors to the applicants, in para 6 of the O.A.

order, were in fact not working in the respondent - SDMC and no juniors to the applicants in the SDMC were regularised till date.

3. While disposing of the OA this Tribunal has not stated that the aforesaid Sh.Sunil Kumar S/o Brij Mohan and Shri Subhash Chand, S/o Mehar Chand were working in the SDMC. What was stated in the order is that in Annexure A17, i.e. the seniority list of the Daily Wages Chowkidars of the unified Municipal Corporation of Delhi, it was shown that they were junior to the applicants.

4. Since the OA was disposed of by a clear direction to the respondents to consider the case of the applicants for regularisation as chowkidars with effect from the date on which their juniors were regularised with all consequential benefits, it is for the respondents to consider the case of the applicants in terms of the orders of the Tribunal and as per rules.

4. In the circumstances, we do not find any merit in the RA and the same is accordingly dismissed.

**(Shekhar Agarwal)**  
**Member (A)**

**(V. Ajay Kumar)**  
**Member (J)**

/rb/