

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

O.A No. 260/2016

New Delhi this the 21st day of January, 2016

Hon'ble Shri A. K. Bhardwaj, Member (J)
Hon'ble V. N. Gaur, Member (A)

1. Philip V. P. (Aged about 57 years)
S/o. Shri. Philipose
Working as DCA (adhoc)
R/o. 45-C, Pocket A, Dilshad Garden,
Delhi-110 095.
2. Premarajan N. (Aged about 56 years)
S/o. Late Shri. Govindan Nair
Working as DCA (adhoc)
R/o. D-81, Seema Apartments,
Plot No. 7, Sector 11, Dwarka,
New Delhi.
3. Balbinder Singh (Aged about 54 years)
S/o. Shri. Gurcharan Singh
Working as DCA (adhoc)
R/o. B-1/703, HIG, Pitam Pura,
Delhi.
4. Snajay Gupta (Aged about 49 years)
S/o. Late Shri. R. K. Gupta
Working as DCA (adhoc), M.C.
R/o. 2736, Sector 46, Gurgaon, Haryana
5. Anil Kumar P. (Aged about 49 years)
S/o. Shri. U. K. Nair
Working as DCA (adhoc), M.C.
R/o. 416, Gaur Galaxy, Sector 5,
Vaishali, Ghaziabad.
6. Raveendranath (Aged about 54 years)
S/o. Late Shri. Damodharan
Working as DCA (adhoc)
R/o. 140, Pocket A, New MIG Flats,
Mayur Vihar, New Delhi

7. P. D. Hariprasad (Aged about 53 years)
S/o. Shri. P. D. Nair
Working as DCA (adhoc)
R/o. F-158/F-1, Dilshad Colony,
Delhi.
8. Velayudhan E. R. (Aged about 55 years)
S/o. Shri. E. R. Raman
Working as DCA (adhoc), M.C.
R/o. D-102, Seema Apartments,
Sector 11, Dwarka, New Delhi.
9. Sheeba S. Nair (Aged about 50 years)
W/o. Shri. Satheesh C. Nair
Working as DCA (adhoc)
R/o. 516, Gaur Galaxy, Sector 5,
Vaishali, Ghaziabad.
10. Krishna Kr. Chitkara (Aged about 50 years)
S/o. Shri. Lal Chand
Working as DCA (adhoc)
R/o. 6/151, Geeta Colony,
Delhi-110 031.
11. Veneed M. (Aged about 55 years)
S/o. Shri. Vasu M.
Working as DCA (adhoc)
R/o. A-41, Seema Apartments, Plot No. 7,
Sector 11, Dwarka, New Delhi.
12. Pushkar Raj (Aged about 61 years)
S/o. Late Shri. Kishan Lal
Retired as DCA (adhoc), M.C.
R/o. 1249, Sector 9, Faridabad, Haryana.
13. Susheel Kumar Sharma (Aged about 51 years)
S/o. Shri. J. P. Sharma
Working as DCA (adhoc), M.C
R/o. III-B-60, Vishnu Garden, New Delhi-110 018.
14. S. B. Pillai (Aged about 52 years)
S/o. Shri. N. B. Pillai
Working as DCA (adhoc), SDMC
R/o. 366/37, Arun Vihar, Noida-201 303.
15. Satheesh C. (Aged about 52 years)

S/o. Late Shri. K.A.C. Nair
Working as DCA (adhoc), M.C.
R/o. 516, Gaur Galaxy, Sector 5,
Vaishali, Ghaziabad.

16. Sushil Kumar Sharma (Aged about 53 years)
S/o. Shri. R. S. Dass
Working as DCA (adhoc)
R/o. B-88, 2nd Floor, Pushpanjali Enclave,
Pitampura, New Delhi-110 034.
17. A. Sebastian (Aged about 56 years)
S/o. Shri. Chacko Ouseph
Working as DCA (adhoc), M.C.
R/o. 81, Indian Airlines Cargo CGHS,
Sector-11, Dwarka, New Delhi.
18. Harish Kumar (Aged about 51 years)
S/o. Late Shri. Manohar Lal
Working as DCA (adhoc), M.C.
R/o. RZ-36, Sitapuri, Gali No.1,
P.O. Palam, New Delhi-110 045.
19. Kundan Singh Bisht (Aged about 56 years)
S/o. Shri. Ra, Singh Bisht
Working as DCA (adhoc)
R/o. R/A-52, 2nd Floor, Lok Vihar,
Pitampura, Delhi-110 034.
20. Ganesh K. Iyer (Aged about 50 years)
S/o. Late Shri. V. Krishna Iyer,
Working as DCA (adhoc), M.C.
R/o. 316, Gaur Galaxy, Sector 5,
Vaishali, Ghaziabad.

....Applicants

(By Advocate: Mr. Basab Sen Gupta for Mr. R. C. Gautam)

Versus

1. North Delhi Municipal Corporation,
Dr. S. P. Mukherjee Civic Centre,
J. L. Nehru Marg, New Delhi-110 002.
Through Commissioner
2. South Delhi Municipal Corporation,
Dr. S. P. Mukherjee Civic Centre,

J. L. Nehru Marg, New Delhi-110 002.
Through Commissioner

3. East Delhi Municipal Corporation,
Plot No. 419, Patparganj Industrial Area,
Udyog Sadan, Delhi-110 092.
Through Commissioner

....Respondents

(By Advocate: Ms. Sangita Rai for East MCD & Mr. R. N. Singh for North MCD)

O R D E R (ORAL)

A. K. Bhardwaj, Member (J)

Heard. Issue notice to the respondents.

2. Mr. R. N. Singh accepts notice on behalf of Respondent no.1.
3. Prayer made in the present O.A filed under Section 19 of the Administrative Tribunals Act, 1985 reads as thus :

“(a) Order and direct the respondents to promote/treat the applicants as DCA w.e.f. the date(s) of completion of six years from the date(s) of their regularisation as ACA, as per the Recruitment Rules, alongwith all consequential benefits. Accordingly, the Applicants No.1 to 5 may be promoted as DCA w.e.f. 16.6.2006, the applicants No. 6 to 17 may be so promoted w.e.f. 23.06.2007, and applicants at S. No. 18-20 may be promoted w.e.f. 22.4.2008;

(b) Order and direct the respondents to consider the applicants for promotion to the post of B&FO w.e.f the date(s) of completion of 5 years from the date(s) of their promotion as DCA, **subject to availability of vacancies of B&FO (emphasis supplied).**

(c) Award cost of litigation to the applicants.

(d) Pass such other and further orders as this Hon’ble Tribunal may deem fit and proper in view of the facts and circumstances of the case.”

4. Though in para 6 of the O.A the applicants have averred that they are left with no other remedy except to approach the Tribunal.

5. In terms of Section 20 of the A. T. Act, 1985 before approaching the Tribunal the applicants need to approach the department to seek redressal of their grievances.

5. Thus, the stand taken by the applicants in para 6 of the O.A is not correct.

6. By way of indulgence and in the interest of justice, the O.A is disposed of as withdrawn with liberty to the applicants to make a representation to respondent no.1 for disposal of their grievances within a period of four weeks from today. On making such representation, the respondent no. 1 will decide the same within three months thereafter. No costs.

(V. N. Gaur)
Member (A)

(A. K. Bhardwaj)
Member (J)

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