

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

CP No. 40/2016  
In  
TA No.1028/2009

New Delhi, this the 24th day of March, 2017

**Hon'ble Mr. P.K. Basu, Member (A)**

**Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

1. Ms. Nirmal Hans (Retd. Head Clerk)  
North Delhi Municipal Corpn.  
W/o Shri Sudarshan Hans,  
R/o 1-2/117, Rohini,  
Sector 16, New Delhi.
2. Shri Sudershan Pahwa  
S/o Late Shri Uttam Chand Pahwa,  
Head Clerk, South Delhi Municipal Corpn.  
Central Uniform Cell(HQ)  
Civic Centre, New Delhi.  
Also at:-  
R/o 2/107,Subhash Nagar,  
New Delhi 110027.
3. Shri Rajesh Kumar Bhatia  
S/o Shri K.K.L. Bhatia  
Head Clerk, South Delhi Municipal Corpn.  
Horticulture Department (HQ)  
Civic Centre, New Delhi.  
Also At:-  
R/o H-79, Second Floor,  
Kalkaji, New Delhi.
4. Shri Sushil Kumar, Head Clerk  
North Delhi Municipal Corpn.  
Property Tax Department,  
Civil Line Zone, Delhi.
5. Shri Satpal, Head Clerk,  
South Delhi Municipal Corpn.  
Veterinary Department,  
Civic Centre, New Delhi.

6. Shri Rajesh Sharma,  
Head Clerk,  
DEMS(HQ)  
Ambedkar Stadium, Delhi.

7. Ms. Daya Devi,  
W/o Shri Puran Chand  
Head Clerk  
South Delhi Municipal Corpn.  
Property Tax Department (HQ)  
Civic Centre, Delhi.

..... Petitioners

(By Advocate: Mr. Deepak Jain)

**Versus**

Shri P.K.Gupta  
Commissioner,  
North Delhi Municipal Corporation,  
4<sup>th</sup> Floor, Civic Centre, New Delhi.

..... Respondents

(By Advocate: Mr.R. N.Singh with Mr. K.M.Singh. Mr.M.K. Bhardwaj for Pvt. Respondents.)

**ORDER (ORAL)**

**Hon'ble Mr. P.K. Basu, Member (A):**

Learned counsel for the respondents has placed before us an order dated 13.03.2015 passed by the Hon'ble High Court in W.P.(C) No. 1925/2015 filed by the Pvt. Respondents challenging the order 05.12.2014 passed in TA No.1028/2009 wherein, it was observed as under:-

*"We have already made it clear that the revised seniority list as circulated dated 11<sup>th</sup> February, 2015 will be subject to the outcome of the present writ petition but certainly if the said revised seniority list in any manner results into reversion of these petitioners then the same shall cause serious prejudice to their rights pending adjudication of their rights in the present writ petition. Premised on the above reasoning, we direct the respondents to place a decision of the DPC before the Court within a period of one week after the same is taken and the*

*same shall not be implemented without the leave of the Court."*

2. He also placed the order dated 02.02.2017 of the Hon'ble High Court of Delhi whereby, after having examined the report submitted on behalf of the NDMC, it has been directed that the NDMC will also produce the DPC files relating to *ad hoc* promotions which were granted to 120 promotees on 27.07.1995. The original files, which were placed before the Committee, will also be brought to the Court on the next date of hearing. On the statement made by the learned counsel for the petitioners that in view of the DoPT Office Memorandum dated 03.07.1986, quota rule of 3:1 would be applicable, learned counsel for the parties were directed to consider the said aspect and re-list the matter on 22.02.2017.

3. From perusal of the order dated 22.02.2017, it is clear that in this matter the dispute is of Seniority Quota and the LDC Quota indicating whether the *ad hoc* appointments or regular appointments were exceeding the said quotas, in which one of private respondents have approached the Tribunal and now the Hon'ble High Court is ceased of the matter for adjudicating the question of seniority.

4. We do not think it fit and proper that the matter should be pursued in the contempt proceedings any further and, accordingly, the same is closed. Learned counsels for both sides shall abide by the final decision of the Hon'ble High Court. However, they are at liberty to revive the matter after the final decision of the High Court, if so advised.

**(Dr. Brahm Avtar Agrawal)**  
**Member (J)**

**(P.K. Basu)**  
**Member A)**

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