

Central Administrative Tribunal
Principal Bench: New Delhi

CP No.86/2016
OA No.4029/2010
MA No.41/2016
MA No.2671/2016

New Delhi this the 22nd day of December, 2016

Hon'ble Mr. V. Ajay Kumar, Member(J)
Hon'ble Ms. ParveenMahajan, Member(A)

Ms. PallaviKumari (Aged about 36 years),
D/o ShriChanderBhan,
R/o RZ-322, Gali No.7,
Geetanjli Park, West SagarPur, New Delhi. -Applicant.

(By Advocate: ShriA.K.Bhakt)

Versus

1. ShriV.K.Singh,
Chairman, Delhi Subordinate Selection
Board, FC-18, Institutional Area, Karkardooma,
Near Railway Reservation Centre
Delhi.
2. Sh. JanakDigal
Additional Commissioner Health
Municipal Corporation of Delhi,
Towan Hall, ChandniChowk, Delhi.
3. Sh. K.K.Sharma
ChiefSecretary,
Government of NCT Delhi,
New Secretariate,
IP Estate,
New Delhi. ...Respondents

(By Advocate: Mrs. HarvinderOberoi)

ORDER (ORAL)

By Mr.V.Ajay Kumar, Member (J):

Heard the learned counsel for both sides.

2. This Tribunal had disposed of the OA No.4029/2010 vide order dated 19.08.2011. Para 10 of the said order is as follows:

"10. For the reasons stated above, and based on the facts and circumstances of the case, the OA succeeds. In the result, we direct the 1st respondent to consider the applicant's candidature for the vacancies in Post Code 071/07 as SC and if she is found to be in the merit list for SC reserved vacancies, she shall be offered appointment to the post by the 2nd respondent as expeditiously as possible but not later than 9 weeks from the date of this order. We also order that she will be assigned her seniority as per her position in the merit list and she will be entitled to the notional date of joining from the date her immediate junior has been issued the appointment and she will be eligible to get her salary with effect from the date she joins in the post".

3. This Tribunal in the aforesaid order had directed the 1st respondent to consider the candidature of the applicant and directed the 2nd respondent, i.e., MCD to give offer of appointment within the specific timeframe. However, the DSSSB had sent the dossier to the 3rd respondent, i.e., Govt. of

NCT of Delhi instead of 2nd respondent, i.e., MCD. In pursuance of the same, the 3rd respondent (Govt. of NCT of Delhi) vide order dated 21.09.2011/14.06.2012 had appointed the applicant as Staff Nurse under their establishment as the offer of appointment issued by them was accepted by the applicant.

4. The applicant had earlier preferred C.P. No.331/2015 alleging that the respondents have not complied with the order of this Tribunal by making DSSSB and the Govt. of NCT of Delhi only as parties leaving the MCD though he had made the MCD as party in the main OA. However, he had withdrawn the said CP with liberty to file fresh Contempt Petition, which liberty was granted by this Tribunal vide order dated 07.01.2016.

5. The present C.P. is filed by the applicant alleging that the respondents have not complied with the order of this Tribunal dated 19.08.2011 in OA No.4029/2010 in as much as notional seniority was not given to her at par with her juniors i.e. Mukesh Chand Verma and Anita Singh with effect from 23.12.2008.

6. It is seen that the Mukesh Chand Verma and Anita Singh, who were stated to be junior to the applicant, were in fact appointed in the MCD whereas the applicant was appointed in the Govt. of NCT of Delhi. Both Departments are independent authorities and no common seniority is maintained between the applicant and the said persons.

7. In the OA, though this Tribunal had specifically directed the DSSSB to send dossier to the 2nd respondent i.e. MCD but when the DSSSB had wrongly sent her dossier to the 3rd respondent (NCT of Delhi), the applicant without any objection or protest had accepted the offer of appointment issued by NCTD, unconditionally and accordingly joined the 3rd respondent (NCT of Delhi) by waiving of her other benefits granted by this Tribunal in OA No.4029/2010. Hence, now, she cannot contend that she ought to have been appointed in MCD or entitled for seniority on par with persons working in MCD.

8. In the circumstances, we do not find any merit in the C.P. and the same is dismissed. Notices are discharged.

(Ms.PraveenMahajan)
Member (A)

(V.Ajay Kumar)
Member (J)

/kdr/