

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

C.P. No. 738/2017 and
C.P. No. 641/2017 in
O.A. No. 2389/2015

New Delhi, this the 10th day of April, 2018

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

C.P. No.738/2017

1. Chand Singh (Mali),
Aged about 58 years,
S/o Sh. Raghuvir,
Posted at : Ward No.25,
Sector-23, Rohini Zone,
NDMC, New Delhi.
2. Shishu Pal Singh (Chowkidar),
Aged about 56 years,
S/o Sh. Bannu Singh,
Posted at : Ward No.24,
Abantika Sector-1, E Block,
Rohini Zone, NDMC, New Delhi.
3. Jeet Kaur
(Wife/Legal Representative) of deceased Applicant
Late Jagdish (Mali)
S/o Sh. Mewar Ram,
Age 59 years,
Last Posted at: Priagarhi,
Ward No.42, Rohini Zone, NDMC, New Delhi
4. Chander Bhan,
Post: Mali/Supervisor,
S/o Sh. Ram Sanjeevan,
Age 61 years,
Posted at: Ward No.152,
Narayana Vihar, Karol Bagh Zone, NDMC
5. Rampal (Mali)
S/o Sh. Kali Ram,
Age 58 years,

Posted at: Faiz Road, Paharganj,
Park Zone, NDMC, New Delhi

6. Mahak Singh
(Chaudhary) (**Retd.**),
S/o Sh. Tilak Ram,
Age 69 years,
R/o House No.44, Ganga Enclave,
Near Gulab Vatika, Loni Road,
Ghaziabad U.P.,
last posted at Ward No.265-272
Karawal Nagar, Shahadra North,
EDMC, Delhi.

.. Petitioners

(By Advocate: Ms. Garima Sachdeva)

Versus

1. Mr. Madhup Vyas, IAS
Commissioner,
North Delhi Municipal Corporation,
Dr. SPM Civic Centre, JLN Marg,
New Delhi-110 002.
2. Dr. Ranbir Singh, IAS
Commissioner,
East Delhi Municipal Corporation,
Patparganj, Delhi-110092.

.. Respondents

(By Advocate: Shri Manjeet Singh Reen for R-1 and
Ms. Punam Singh for R-2)

C.P. No.641/2017

1. Rajender Singh Chauhan (Mali),
Aged about 56 years,
S/o Sh. Baijnath Chauhan,
Posted at : B-4, Safdarjung Enclave,
Harsukh Park, Ward No. 163,
South Zone, Green Park,
SDMC, New Delhi.
2. Sattar Ali (Mali),
Aged about 59 years,
S/o Sh. Nadar Ali,

Posted at :Kailash Colony, Ward No.192,
Lajpat Nagar Zone, SDMC, New Delhi.

3. Neeru (Mali),
Aged about 58 years,
S/o Sh. Sukhraj,
Posted at : B-4, Safdarjung Enclave,
Harsukh Park, Ward No. 163,
South Zone, Green Park,
SDMC, New Delhi.
4. Rajpal (Mali),
Aged about 62 years,
S/o Sh. Gabdu,
Posted at : B-4, Safdarjung Enclave,
Harsukh Park, Ward No. 163,
South Zone, Green Park,
SDMC, New Delhi.
5. D. Reddy (Mali),
Aged about 59 years,
S/o Sh. Durai Swami,
Posted at : B-4, Safdarjung Enclave,
Harsukh Park, Ward No. 163,
South Zone, Green Park,
SDMC, New Delhi.
6. Brahm Singh (Mali),
Aged about 57 years,
S/o Sh. Sultan Singh,
Posted at : B-4, Safdarjung Enclave,
Harsukh Park, Ward No. 163,
South Zone, Green Park,
SDMC, New Delhi.
7. P. Rangaswamy (Mali),
Aged about 62 years,
S/o Sh. Palni,
Posted at : B-4, Safdarjung Enclave,
Harsukh Park, Ward No. 163,
South Zone, Green Park,
SDMC, New Delhi.
8. Shrichand (Mali),
Aged about 60 years,

S/o Sh. Banarasi,
 Posted at : B-4, Safdarjung Enclave,
 Harsukh Park, Ward No. 163,
 South Zone, Green Park,
 SDMC, New Delhi.

9. Jaganath(Mali),
 Aged about 58 years,
 S/o Sh. Kundal,
 Posted at : B-4, Safdarjung Enclave,
 Harsukh Park, Ward No. 163,
 South Zone, Green Park,
 SDMC, New Delhi.

.. Petitioners

(By Advocate: Ms. Garima Sachdeva)

Versus

1. Dr. Puneet Kumar Goel, IAS,
 Commissioner,
 South Delhi Municipal Corporation,
 Dr. SPM Civic Centre, JLN Marg,
 New Delhi-110 002.
2. Mr. P.K. Gupta, IAS
 Commissioner,
 North Delhi Municipal Corporation,
 Dr. SPM Civic Centre, JLN Marg,
 New Delhi-110 002.

...Respondents

(By Advocate: Shri R.K. Jain for R-1 and
 Shri D.S. Mahendru for R-2)

ORDER (ORAL)

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

CP 738/2017

O.A. No. 2389/2015 was disposed of by this Tribunal on
 09.01.2017 as under :

“6. In the circumstances and in view of the aforesaid
 submissions we permit the applicants to make an appropriate

detailed representations indicating their personal particulars such as their date of appointment, nature of appointment by enclosing the copies of the relevant orders, if any, and if available with them and in which municipal corporation they are working at present etc. and also by enclosing the decisions on which they are placing reliance for claiming parity within two weeks from the date of receipt of a copy of this order. On receipt of such representations from the applicants, the respondents shall consider the same and pass appropriate speaking and reasoned order thereon within a period of three months in accordance with law. There shall be no order as to costs.”

2. Since the applicants in the O.A. are working under different Municipal Corporations, such as North Delhi Municipal Corporation, East Delhi Municipal Corporation and South Delhi Municipal Corporation, they filed different CPs.

3. CP No. 738/2017 is filed by the applicants No.1 to 5, who are working under North Delhi Municipal Corporation, and applicant No.6, who is working under East Delhi Municipal Corporation, alleging non-implementation of the aforesaid orders. Shri Manjeet Singh Reen, learned counsel appearing for the North Delhi Municipal Corporation and Ms. Punam Singh, learned counsel appearing for East Delhi Municipal Corporation, submit that they have fully complied with the orders of this Tribunal and they have, in fact, granted the relief claimed by the applicants by passing the speaking order and, accordingly, prays for dismissal of the CP.

4. Ms. Garima Sachdeva, learned counsel for the petitioners, while not disputing the said fact, however, submits that though the

orders have been passed but actual payments have not been made to the applicants.

5. In the circumstances and in view of substantial compliance of the orders of this Tribunal, the CP No. 738/2017 is closed and notices are discharged. However, the respondents shall ensure releasing of the amounts payable under their own orders passed in pursuance of the orders in the O.A. within a reasonable time.

CP 641/2017

O.A. No. 2389/2015 was disposed of by this Tribunal on 09.01.2017 as under:

“6. In the circumstances and in view of the aforesaid submissions we permit the applicants to make an appropriate detailed representations indicating their personal particulars such as their date of appointment, nature of appointment by enclosing the copies of the relevant orders, if any, and if available with them and in which municipal corporation they are working at present etc. and also by enclosing the decisions on which they are placing reliance for claiming parity within two weeks from the date of receipt of a copy of this order. On receipt of such representations from the applicants, the respondents shall consider the same and pass appropriate speaking and reasoned order thereon within a period of three months in accordance with law. There shall be no order as to costs.”

2. The applicants, who are also the applicants in O.A. No.2389/2015 and working under South Delhi Municipal Corporation, filed the instant CP alleging non-implementation of the aforesaid orders.

3. The respondents filed the compliance affidavit by enclosing a speaking order dated 21.02.2018, whereunder they have rejected the representations of the applicants by giving certain reasons.

4. Shri R.K. Jain, learned counsel appearing for the South Delhi Municipal Corporation, in view of passing of the speaking order and in view of the compliance of the orders of this Tribunal, prays for dismissal of the CP.

5. However, Ms. Garima Sachdeva, learned counsel for the petitioners, submits that the respondents have though passed a speaking order on 21.02.2018 rejecting the claim of the applicants, but the reasons given by them in the said order are illegal, arbitrary and against various decisions already passed by this Tribunal, as upheld upto the Hon'ble Supreme Court and, hence, the respondents are liable for contempt of the orders of this Tribunal.

6. We cannot accept the contention of the learned counsel for the petitioners since the O.A. of the applicants was disposed of summarily and only with a direction to the respondents to consider the representations of the applicants, which they have did.

7. In the circumstances and in view of substantial compliance of the orders of this Tribunal, the CP is closed and the notices are discharged. However, the petitioners are at liberty to question the

orders now passed by the respondents, if they are still aggrieved, in accordance with law. No costs.

Let a copy of this order be kept in both the CP files.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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