

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

CP No.675/2015 in OA No.4556/2011
with

CP No.676/2015 in OA No.4542/2011
CP No.678/2015 in OA No.4551/2011
CP No.679/2015 in OA No.4553/2011
CP No.680/2015 in OA No.4550/2011
CP No.681/2015 in OA No.4548/2011
CP No.682/2015 in OA No.4545/2011
CP No.683/2015 in OA No.4549/2011
CP No.684/2015 in OA No.4554/2011
CP No.685/2015 in OA No.4544/2011
CP No.686/2015 In OA No.4546/2011
CP No.688/2015 in OA No.4547/2011

this the 14th day of September, 2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. Birendra Kumar Sinha, Member (A)

CP No.675/2015 in OA No.4556/2011

Shri Manoj Kumar Sharma
Chowkidar
S/o Shri Madan Kumar Sharma
R/o H.No.429, Block-K
Jahangir Puri, Delhi-33

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
Commissioner
North Delhi Municipal Corporation
Town Hall, Chandni Chowk
Delhi – 110 006

.....Respondent.

(By Advocate: Shri Manjeet Singh Reen and Shri R.N.Singh)

CP No.676/2015 in OA No.4542/2011

Shri Manoj
Chowkidar
S/o Shri Tota Ram

R/o H.No.E-1022
Jahangir Puri, Delhi-33

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
Commissioner
North Delhi Municipal Corporation
Town Hall, Chandni Chowk
Delhi – 110 006

.....Respondent.

(By Advocate:Shri R.N.Singh and Shri K.M.Singh)

CP No.678/2015 in OA No.4551/2011

Shri Parmeshwar
Chowkidar
S/o Shri Lal Bihari
R/o House No.1578
Y. Block, Mangolpuri
New Delhi – 110 083

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
Commissioner
North Delhi Municipal Corporation
Town Hall, Chandni Chowk
Delhi – 110 006

.....Respondent.

(By Advocate:Shri Manjeet Singh Reen and Shri R.N.Singh)

CP No.679/2015 in OA No.4553/2011

Shri Om Prakash
Chowkidar
S/o Shri Ram Singh
R/o House No.321
Dr. Nangal Thankran
Delhi – 110 039.

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
Commissioner

North Delhi Municipal Corporation
Town Hall, Chandni Chowk
Delhi – 110 006

.....Respondent.

(By Advocate: Shri R.N.Singh and Shri K.M.Singh)

CP No.680/2015 in OA No.4550/2011

Shri Sanjay Kumar
Chowkidar
S/o Shri Kashi Ram
R/o House No.42
Vill. Fullera, Bagpat
Meerut (UP).

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
Commissioner
North Delhi Municipal Corporation
Town Hall, Chandni Chowk
Delhi – 110 006

.....Respondent.

(By Advocate:Shri Manjeet Singh Reen and Shri R.N.Singh)

CP No.681/2015 in OA No.4548/2011

Shri Surender Singh
Chowkidar
S/o Shri Ram Pal Singh
R/o House No.363, Vill. Wazirpur
Delhi-52.

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
Commissioner
North Delhi Municipal Corporation
Town Hall, Chandni Chowk
Delhi – 110 006

.....Respondent.

(By Advocate:Shri R.N.Singh and Shri K.M.Singh)

CP No.682/2015 in OA No.4545/2011

Shri Parvesh Kumar
Chowkidar

S/o Shri Jai Dayal

R/o H.No.21

Vill. Jharoda

P.O.Burari, Delhi – 110 084.

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta

Commissioner

North Delhi Municipal Corporation

Town Hall, Chandni Chowk

Delhi – 110 006

.....Respondent.

(By Advocate:Shri Manjeet Singh Reen and Shri R.N.Singh)

CP No.683/2015 in OA No.4549/2011

Shri Anand

Chowkidar

S/o Shri Tota Ram

R/o House No.E-1022

Jahangirpur, Delhi -52.

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta

Commissioner

North Delhi Municipal Corporation

Town Hall, Chandni Chowk

Delhi – 110 006

.....Respondent.

(By Advocate:Shri R.N.Singh)

CP No.684/2015 in OA No.4554/2011

Shri Manoj Kumar

Chowkidar

S/o Shri Raj Kamal

R/o House No.B/224

Sector-8, Rohini

Delhi – 110 085.

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
 Commissioner
 North Delhi Municipal Corporation
 Town Hall, Chandni Chowk
 Delhi – 110 006

.....Respondent.

(By Advocate:Shri Manjeet Singh Reen and Shri R.N.Singh)

CP No.685/2015 in OA No.4544/2011

Shri Atul Kumar
 Chowkidar
 S/o Shri Kushi Lal
 R/o H.No.126, Gali No.10
 Block A, Bhajanpura
 Delhi -53.

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
 Commissioner
 North Delhi Municipal Corporation
 Town Hall, Chandni Chowk
 Delhi – 110 006

.....Respondent.

(By Advocate:Shri Manjeet Singh Reen and Shri R.N.Singh)

CP No.686/2015 in OA No.4546/2011

Shri Raj Kumar Sharma
 Chowkidar
 S/o Shri Mahavir Dutt Sharma
 R/o H.No.2A
 Pandit Chowk
 Mandavali, Fazalpur
 Delhi -92.

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
 Commissioner
 North Delhi Municipal Corporation

Town Hall, Chandni Chowk
Delhi – 110 006

.....Respondent.

(By Advocate:Shri R.N.Singh)

CP No.688/2015 in OA No.4547/2011

Shri Rajesh Kumar
Chowkidar
S/o Shri Nafe Singh
Earlier R/o Vill. Kateware
Mandavali, Fazalpur
Delhi-39
Presently R/o House No.231
Villa Kateware Delhi -39.

..... Petitioner

(Advocate: Shri Padma Kumar S. with Shri K.K.Mishra)

Versus

Shri Praveen Kumar Gupta
Commissioner
North Delhi Municipal Corporation
Town Hall, Chandni Chowk
Delhi – 110 006

.....Respondent.

(By Advocate:Shri R.N.Singh & Shri K.M.Singh)

ORDER (ORAL)

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

Heard both sides.

2. The Batch of Contempt Petitions have been filed alleging non-implementation of the orders of this Tribunal in OA No.4556/2011 and batch dated 11.11.2014 whereunder this Tribunal observed as follows :-

"24. Since it is not in dispute, though the number of days differs, that the applicants are similarly placed like Babloo Sharma (supra), we are of the considered view that the ratio decided in the said decision is squarely applicable to the applicants herein, as long as the same is unsettled by any higher court. While coming to this conclusion, we are conscious of the fact that the Honble High Court made the aforesaid observations and gave its finding on merits,

during the course of the hearing of the Contempt Case. However, since the respondents have not contested the said decision of the Honble High Court in the said contempt case, and on the other hand have accepted and complied with the same, and that they have admitted categorically that the applicants herein are similarly placed like Babloo Sharma, we are of the considered view that the applicants herein also entitled for the similar treatment and benefits.

25. In the circumstances and for the aforesaid reasons, the impugned orders in the respective OAs are quashed, and the respondents are directed to include the applicants at the appropriate places in the seniority list of daily wager chowkidars for the purpose of regularization and if any of their turn for regularization as chowkidar has already matured and became due, appropriate regularization orders be issued to them. However, in the circumstances, they are not entitled for any arrears. The respondents shall complete this exercise within three months from the date of receipt of this order. Accordingly, the OAs are allowed. No costs."

3. The respondents vide their latest compliance affidavit dated 22.07.2016 while enclosing an Office Order dated 21.07.2016, which is a Seniority List of the daily wager Chowkidars issued with the approval of the competent authority, submit that they have fully complied with the orders of this Tribunal by placing the applicants at appropriate place, as per the directions of the Tribunal and issued the aforesaid Seniority List prepared for the purpose of regularization of the Chowkidars. The respondents further submit that as and when the turn of the applicants comes, their cases shall be considered for regularization and appropriate orders would be passed. Accordingly, they pray for dismissal of the Contempt Petitions.

4. However, the learned counsel for the petitioners submits that this Tribunal not only directed the respondents to prepare the seniority list placing the applicants at appropriate places but also directed them to consider their cases for regularization whenever their turn comes for regularization as Chowkidars and the respondents though prepared the Seniority List but have not considered their cases. Hence, they are required to be punished for Contempt of Court orders.

5. It is seen that this Tribunal while disposing of the OAs while directing the respondents to include the applicants at appropriate places in the seniority list of daily wagers Chowkidars for the purpose of regularization, also observed that, if any of the applicants turn for regularization as Chowkidars is already matured and due, appropriate regularization order be issued to them.

6. In view of the issuance of the Seniority List placing the applicants at the appropriate places and in view of assurance given by the respondents that the cases of the applicants would be considered as and when their turn comes, and since the petitioners not shown that any vacancy is available for their regularization as on today, we are satisfied that the respondents have substantially complied with the orders of this Tribunal.

7. In the circumstances, the Contempt Petitions are closed and notices are discharged. However, the petitioners are at liberty to question the Seniority List now issued by the respondents as well as their non regularization, if they are so advised, in accordance with law. No costs.

(Dr. Birendra Kumar Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

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