

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

OA No. 1270/2017

MA No. 1402/2017

New Delhi this the 19th day of April, 2017

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

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

1. Rahul Gupta,
S/o Suresh Chand Gupta,
R/o MS-01 Mohan Garden
Uttam Nagar, New Delhi-110059
Age: 26 years
Designation: Date Processing Assistant
Group: B
2. Amit Kumar,
S/o Narayan Singh,
R/o E-555/B, Gali No.18,
Ashok Nagar, Shahdara, Delhi-110093
Age: 26 years
Designation: Date Processing Assistant
Group: B
3. Anay Prasar,
S/o Suresh Kumar Singh,
R/o House No.7, A Block,
Qutub Vihar Goyala Dairy,
New Delhi-110071
Age: 28 years
Designation: Date Processing Assistant
Group: B
4. Mukesh Kumar Singh,
S/o Brijbhahari Singh,
R/o C-204, Ground Floor,
Sec-22 Gautam Budh Nagar,
NOIDA, UP-201301
Age: 25 years
Designation: Date Processing Assistant
Group: B
5. Mohd. Anas,
S/o Mohd. Yunus,

R/o 6382 Gali Ishwari Prashad Bara Hindu Rao,
Delhi-110006

Age: 33 years

Designation: Date Processing Assistant

Group: B

6. Mohd. Shakir,
S/o Abdul Rauf,
R/o House No.922-A, Gali No.12,
Rajiv Gandhi Nagar, New Mustafabad,
Delhi-110094
Age: 30 years
Designation: Date Processing Assistant
Group: B
7. Shivani Sai,
S/o Mam Chand,
R/o 591/29C,
Sahdev Gali Vishwas Nagar Shahdara,
Delhi-110032
Age: 26 years
Designation: Date Processing Assistant
Group: B
8. Usman Zakir,
S/o Wahid Ali,
R/o House No.1449, Gali No.51, Jafrabad,
Delhi-110053,
Age: 33 years
Designation: Date Processing Assistant
Group: B
9. Arvind Gupta,
S/o Rajender Prashad,
R/o A-4/297 Sultanpuri,
New Delhi-110086
Age: 25 years
Designation: Date Processing Assistant
Group: B
10. Lata, D/o Chiman Lal,
R/o 217/42, B-Block, Kushik Enclave
Burari, Delhi-110084
Age: 28 years
Designation: Date Processing Assistant
Group: B

(All represented through Applicant No.1 Shri Rahul Gupta)
- Applicants

(By Advocate: Mr. Shalabh Gupta)

VERSUS

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
North Avenue, New Delhi
 2. Govt. of NCT of Delhi,
Through its Secretary,
Directorate of Economics & Statistics,
Vikas Bhawan-II, Civil Lines,
Delhi-110054
 3. The Lieutenant Governor,
Govt. of NCT of Delhi,
5, Shamnath Marg, Delhi
 4. The Chief Registrar of Birth and Death,
Directorate of Economics & Statistics,
Office of Chief Registrar (Birth & Death)
Govt. of NCT of Delhi,
Vikas Bhawan-II, Civil Lines,
Delhi-110054
- Respondents

O R D E R (Oral)

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

Heard the learned counsel for the applicants. MA for joining together is allowed.

2. The applicants, who are working as contractual Data Processing Assistants (DPAs) in the respondent – Govt. of NCT of Delhi, filed the OA, seeking the following reliefs:-

“(a) Pass an order or direction thereby quashing the impugned Notification No.6/11/2016-VS(CRS) dated 14.03.2017 issued by the Government of India,

Ministry of Home Affairs, Office of the Registrar General, India;

(b) Pass an order or direction thereby restraining the respondent no.1 from withdrawing the financial assistance to the states for hiring of manpower to strengthen the civil registration system;

(c) Pass an order or direction thereby restraining the respondents from terminating the services of the applicants, and to re-instate the Applicants (if the service has been terminated) with full back wages/remuneration;

(d) Pass an order or direction thereby directing the respondents to pay salary and other benefits to the applicants in parity with the salary paid to other State Coordinators and Data Processing Assistants, based on the concept of 'equal pay for equal work';

(e) Pass an order or direction thereby directing the respondents to regularize the services of the applicants.

(f) grant any other and further relief(s) which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case."

3. It is submitted that the applicants are working as contractual DPAs under a Scheme being operated by the Government of NCT of Delhi with the funds of the Central Government and their original contract is up to 30.06.2017. Vide Annexure A-1, dated 14.03.2017, the Union of India informed the Govt. of NCT of Delhi that there will be no financial assistance for hiring of manpower from Government of India with effect from the next financial year 2017-18 onwards. In pursuance thereto, the Govt. of NCT of Delhi, vide its proceeding dated 20.03.2017, passed orders, stating that though

they have requested to extend the scheme and the services of the applicants up to 30.06.2017, however, if no orders are received, the services of the applicants will automatically be discontinued w.e.f. 20.04.2017. It is also submitted that the Union of India, vide Annexure A/11, dated 27.03.2017, agreed to extend the scheme till 30.09.2017. However, the Govt. of NCT of Delhi have not passed any orders for extension of the services of the applicants in terms of the Union of India's Office Memorandum dated 27.03.2017.

4. It is seen that the applicants have not made any representation after the Union of India's OM dated 27.03.2017 to the Govt. of NCT of Delhi, requesting for extension of their engagement, in view of extension of the scheme till 30.09.2017. Without doing so, the applicants have approached this Tribunal.

5. In the circumstances, the OA is disposed of, without going into the merits of the case, by permitting the applicants to make an appropriate representation, within two days from today. On receipt of such a representation, the respondent – Govt. of NCT of Delhi shall consider the same and pass appropriate orders thereon, keeping in view of the OM dated 27.03.2017

(Annexure A/11), within one week therefrom. However, respondents are directed to continue the services of the applicants till the representation of the applicants is disposed of. Order **DASTI**.

(P.K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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