

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.2389/2015 and
MA No.2124/2015

This the 9th day of January, 2017

**Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P.K. Basu, Member(A)**

1. Rajender Singh Chauhan (Mali), aged about 53 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 56 years, S/o Sh. Nadar Ali, Posted at :Kailash Colony, Ward No.192, Lajpat Nagar Zone, SDMC, New Delhi
3. Gyan Chand (Chowkidar), aged about 55 years, S/o Sh. Jail Pal, Posted at :Amar Colony, Ward No.160, Lajpat Nagar Zone, SDMC, New Delhi
4. Neeru (Mali), aged about 55 years, S/o Sh. Sukhraj, Posted at : B-4, Safdarjung Enclave, Harsukh Park, Ward No. 163, South Zone, Green Park, SDMC, New Delhi
5. Rajpal (Mali), aged about 59 years, S/o Sh. Gabdu, Posted at : B-4, Safdarjung Enclave, Harsukh Park, Ward No. 163, South Zone, Green Park, SDMC, New Delhi
6. D. Reddy(Mali), aged about 56 years, S/o Sh. Durai Swami, Posted at : B-4, Safdarjung Enclave, Harsukh Park, Ward No. 163, South Zone, Green Park, SDMC, New Delhi
7. Brahm Singh(Mali), aged about 54 years, S/o Sh. Sultan Singh, Posted at : B-4, Safdarjung Enclave, Harsukh Park, Ward No. 163, South Zone, Green Park, SDMC, New Delhi
8. P. Rangaswamy(Mali), aged about 59 years, S/o Sh. Palni, Posted at : B-4, Safdarjung Enclave, Harsukh Park, Ward No. 163, South Zone, Green Park, SDMC, New Delhi

9. Shrichand (Mali), aged about 57 years, S/o Sh. Banarasi, Posted at : B-4, Safdarjung Enclave, Harsukh Park, Ward No. 163, South Zone, Green Park, SDMC, New Delhi
10. Jaganath(Mali), aged about 55 years, S/o Sh. Kundal, Posted at : B-4, Safdarjung Enclave, Harsukh Park, Ward No. 163, South Zone, Green Park, SDMC, New Delhi
11. Raj Pal (Mali), aged about 54 years, S/o Sh. Surat Singh, Posted at : Ward No.116, Vikashpuri, SDMC, New Delhi
12. Ram Raj(Mali), aged about 59 years, S/o Sh. Raghvir Singh, Posted at : BWard No.112, Subhash Nagar, SDMC, New Delhi
13. Daya Ram (Mali), aged about 57 years, S/o Sh. Ballu, Posted at : Ward No.116, Vikashpuri, SDMC, New Delhi
14. Joginder Singh (Chowkidar), aged about 51 years, S/o Sh. Prahlad Singh, Posted at : Ward No.112, Subhash Nagar, SDMC, New Delhi
15. Sonwa (Mali) (**Retd.**), aged about 60 years, S/o Sh. Bhuhow, last Posted at : Office of MCD 60 Block, West Zone, Ashok Nagar, SDMC, New Delhi
16. Rajender Kumar, Post: Mali, S/o Sh. Ram Sahay, Age 52 years, Posted at: Anupam Apartment, Green Park Zone, South Zone, SDMC, New Delhi
17. Ajit, Post: Mali, S/o Sh. Het Ram, Age 55 years, Posted at: Ambedkar Park, Ward No.178, Green Park Zone, South Zone, SDMC, New Delhi
18. Babu Lal (Mali), S/o Sh. Phool Singh, age 58 years, Posted at: C-9, Vasant Kunj, Najafgarh Zone, SDMC, New Delhi
19. Om Kanwar, Post: Carpenter, S/o Sh. Shis Ram, Age 54 years, Posted at: EE(M) III (Works), ward No.119, Malapnagar, Uttam Nagar, West Zone, SDMC, New Delhi
20. Makhan Lal, Post-Mali, S/o Sh. Lokman, age 58 years, posted at: Ward No.153, Anupam Apartments, Saket,

SDMC, New Delhi.

21. Bhartu, Post-Mali, S/o Sh. Bhagwan Singh, age 59 years, posted at: Ward No.153, Anupam Apartments, Saket, SDMC, New Delhi.
22. Ram Sewak, Mali, S/o Sh. Ram Prakash, age 51 years, posted at: Ward No.160, Amar Colony, Lajpat Nagar, Central Zone, SDMC, New Delhi
23. Babban, Post-Mali, S/o Sh. Munshi Ram, age 56 years, posted at: Ward No. 193, Srinivaspuri, Lajpat Nagar Zone, SDMC, New Delhi
24. Vijender S/o Sh. Om Prakash, Age 54 years, Posted at Ward No.154, Sunder Nagar, Lajpat Nagar Zone, SDMC, New Delhi
25. Mohd. Nasir, Post: Mason, S/o Sh. Mohd. Sorati Miya, Age 55 years, Posted at: EE(M) III (Works), ward No.119, Malapnagar, Uttam Nagar, West Zone, SDMC, New Delhi
26. Mohd. Alauddin, Post: Mason, S/o Sh. Mohd. Liyakat, Age 55 years, Posted at: EE(M) III (Works), ward No.119, Malapnagar, Uttam Nagar, West Zone, C-119, SDMC, New Delhi
27. Gopal, Post: Mason, S/o Sh. Jaganath, Age 56 years, Posted at: Ward No.C-118, C-II(6), EE(III), WZ, Janakpuri, SDMC, New Delhi
28. Shrikant, Post: Mason, S/o Sh. Babulal, Age 48 years, Posted at: Ward No.L-124, EE(M)-IV, WZ, Moti Nagar, SDMC, New Delhi
29. Devender Kumar (Chowkidar), S/o Sh. Mahavir, age 58 years, posted at: Green Park Zone, South Zone, SDMC, New Delhi
30. Ram Abhilakh (Chowkidar), S/o Sh. Ram Nath, age 58 years, posted at: Ward No.144, Najafgarh Zone, C-9, Vasant Kunj, New Delhi
31. Kulande Bel, Post-Mali, S/o Sh. Late Viran, Posted at: Ward No.114, Tilak Nagar, SDMC, New Delhi
32. Ramgopal (Chowkidar), S/o Sh. Chiranji Lal, age 53 years, Posted at: M Block Chameli Park, Raghuvir

Nagar, SDMC, New Delhi-27

33. Badlu Khan (Mali), S/o Sh. Bund Ali, age 54 years, posted at: MCD School No.2, Nursery, Raghuvir Nagar, SDMC, New Delhi-27.
34. Hari Prakash (Chaudhary), S/o Sh. Ramanand, age 58 years, Posted at Sunder Nagar, Ward No.154, Central Zone, Lajpat Nagar, SDMC, New Delhi
35. Ravindra Tyagi, (Chowkidar), S/o Sh. Santi Sarup Tyagi, age 53 years, Ward No.189, Millennium Park, Chirag Delhi, Green Park Zone, SDMC New Delhi.
36. Om Prakash (Chowkidar), S/o Sh. Nirbhay Singh, age 57 years, Posted at Ward No.189, Millennium Park, Chirag Delhi, Green Park Zone, SDMC New Delhi.
37. I, Gonda Bai, Post: Mali, (**Regd.**), W/o Sh. Bhagwat, Age 61 years, last Posted at: O/o DDH, Central Zone, Lajpat Nagar, SDMC, New Delhi.
38. Mahak Singh (Chaudhary) (**Retd.**), S/o Sh. Tilak Ram, age 66 years, R/o House No.44, Ganga Enclave, Near Gulab Vatika, Loni Road, Ghaziabad U.P., last posted at : Sunder Nagar, Ward No.154, Central Zone, Lajpat Nagar, SDMC, New Delhi
39. Mam Chand, (Mali), S/o Sh. Manga Sain, age 63 years, lasted posted at : Ward No.164, Gulmohar Enclave Green Park Zone, SDMC, New Delhi.

NDMC

40. Chand Singh (Mali), aged about 55 years, S/o Sh. Raghuvir, Posted at : Ward No.25, Sector-23, Rohini Zone, NDMC, New Delhi
41. Prem Lal (Chowkidar), aged about 58 years, S/o Sh. Sarwan, Posted at: Ranjit Nagar, Near Satyam Cinema, Karol Bagh Zone, NDMC, New Delhi
42. Shishu Pal Singh (Chowkidar), aged about 53 years, S/o Sh. Bannu Singh, Posted at : Ward No.24, Abantika Sector-1, E Block, Rohini Zone, NDMC, New Delhi
43. Chander Bhan, Post: Mali/Supervisor, S/o Sh. Ram Sanjeevan, Age 58 years, Posted at: Ward No.152,

Narayana Vihar, Karol Bagh Zone, NDMC

44. Ashok Kumar, Post: Mali, S/o Sh. Raghuveer, Age 52 years, Posted at: Ward No.152, Narayana Vihar, Karol Bagh Zone, NDMC
45. Jeet Kaur (**Wife/Legal Representative**) of **deceased Applicant** late Jagdish (Mali) S/o Sh. Mewar Ram, Age 56 years, last Posted at: Priagarhi, Ward No.42, Rohini Zone, NDMC, New Delhi
46. Kandha Swami, (Mali), S/o Sh. Kaveri, age 56 years, posted at: KD Block, Pitampura, MCD Hort. Deptt. Sector-V, Rohini Zone, NDMC, Delhi-2
47. Rampal (Mali) S/o Sh. Kali Ram, age 58 years, posted at: Faiz Road, Paharganj, Park Zone, NDMC, New Delhi

EDMC

48. Shri Ram (Mali) (**Retd.**), aged about 64 years, S/o Sh. Nathu, last Posted at : Janta Flat, GTB Enclave, S.N., EDMC, New Delhi
49. Sube Singh(Mali) (**Retd.**), aged about 62 years, S/o Sh. Khazan Singh, last Posted at : Dilshad Garden, Pocket-I, Ward No.240 S.N. EDMC, New Delhi
50. Gaje Singh (Mali) (**Retd.**), aged about 64 years, S/o Sh. Ram Phal, last Posted at : New Jafarabad, Ward No.259. S.Nath, EDMC, New Delhi
51. Mewa Ram, Post : Mali, S/o Sh. Ram Phal, Age 55 years Posted at: Mayur Vihar Pocket-V, Phase-I, EDMC, New Delhi
52. Surender Pal (Mali), S/o Sh. Sukhpal, age 56 years, posted at : Ward No.240, Pocket-J and K, Dilshad Garden, S.N. Zone, EDMC, New Delhi
53. Hariom (Mali), S/o Sh. Pheru Singh, age 56 years, posted at : Ward No.242, Pocket-P, Dilshad Garden, S.N. Zone, EDMC, New Delhi
54. Brham Singh, Post-Mali, S/o Sh. Lalji, age 54 years, posted at C-12, Ekta Park, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.257, EDMC, New Delhi

55. Brham Prakash, Post-Mali, S/o Sh. Vijay Singh, age 54 years, posted at C-12, Ekta Park, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.257, EDMC, New Delhi
56. Prakash, Post-Mali, S/o Sh. Bhojraj, age 59 years, Posted at: C-12, Ekta Park, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.257, EDMC, New Delhi
57. Premchand, Post-Mali, S/o Sh. Risal Singh, age 59 years, Posted at C-12, Ekta Park, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.257, EDMC, New Delhi
58. Iqbal, Post-Mali, S/o Vijay Singh, age 57 years, Posted at: B-5, Ekta Park, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.256, EDMC, New Delhi
59. Ramesh, Post-Mali, S/o Hariram, age 54 years, Posted at: C-10, Ekta Park, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.256, EDMC, New Delhi
60. Mahak Singh, Post-Chowkidar, S/o Sh. Ilam Singh, age 58 years, Posted at: C-10, Ekta Park, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.256, EDMC, New Delhi
61. Ram Kumar, Post-Mali, S/o Sh. Mangtu, age 58 years, Posted at: C-5, Keshav Vatika, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.256, EDMC, New Delhi.
62. Ramesh, Post-Mali, S/o Sh. Chander, age 53 years, Posted at: C-5, Keshav Vatika, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.256, EDMC, New Delhi.
63. Rajkumar, Post-Mali, S/o Sh. Gopi, age 53 years, Posted at: C-5, Keshav Vatika, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.256, EDMC, New Delhi.
64. Brhampal Singh, Post-Chowkidar, S/o Sh. Faru Singh, age 59 years, Posted at: B-5, Yamuna Vihar,

Horticulture Department, East Delhi, Shahadara North, Ward No.256, EDMC, New Delhi.

65. Rajbir Singh, Post-Chowkidar, S/o Sh. Harpal Singh, age 58 years, Posted at: C-9, Bhagat Singh Park, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.256, EDMC, New Delhi.
66. Rajendra, Post-Mali, S/o Sh. Lal Singh, age 53 years, Posted at: C-9, Bhagat Singh Park, Yamuna Vihar, Horticulture Department, East Delhi, Shahadara North, Ward No.256, EDMC, New Delhi.
67. Ram Kumar, Post-Mali, S/o Sh. Amar Singh, age 53 years, Posted at: Dilshad Garden, EDMC, South Zone, Shahadara, Ward No.239, New Delhi.
68. Shiyinand, Post-Mali, S/o Sh. Nannuwa, age 58 years, Posted at: Dilshad Garden, EDMC, South Zone, Shahadara, Ward No.239, New Delhi.
69. Rishipal, Post-Mali, Raja Ram, age 55 years, Posted at: 241 C Block, Dilshad Garden, EDMC, North Zone, New Delhi
70. Dinesh Kumar, Post-Mali, S/o Sh. Banwari Lal, age 54 years, Posted at: Ward No.240, JNK Pocket, Dilshad Garden, Shahadara North, EDMC, New Delhi.
71. Sheesh Pal Singh, Post-Mali, S/o Sh. Ratan Singh, age 55 years, Posted at: Ward No. 240, GNK Pocket, Dilshad Garden, Shahadara North, EDMC, New Delhi.
72. Vijay Pal, Post-Mali, S/o Sh. Chhagu Singh, age 54 years, Posted at: Ward No.239, Dilshad Garden, EDMC, South Zone, EDMC, New Delhi
73. Seva Ram, Post-Mali, S/o Sh. Ram Sukh, age 58 years, Posted at: Ward No.239, Dilshad Garde, EDMC, South Zone, New Delhi.
74. Rohtas, Post Mali, S/o S. Prem Raj, age 53 years, Posted at: Ward No.239, Dilshad Garde, EDMC, South Zone, New Delhi.
75. Sukhvir, Post-Mali, S/o Sh. Ram Shuk, age 59 years, Posted at: Ward No.262, Gukulpur, EDMC, South Zone, New Delhi

76. Mange Ram, Post-Mali, S/o Sh. Bhule Ram, age 51 years, Posted at: Ward No.240, GNK, Pocket, Dilshad Garden, Shahadara North Zone, EDMC, New Delhi.
77. Gaya Pershad, Post-Mali, S/o Sh. Ram Pyare, age 53 years, Posted at: Dilshad Garden, Shahadara South Zone, EDMC, New Delhi.
78. Suraj Pal, Post-Mali, S/o Sh. Kabul Singh, age 57 years, Posted at: Ward No.239, Dilshad Garden, EDMC, South Zone, New Delhi.
79. Tek Chand, (Chaudhary) (**Retd.**), S/o Sh. Bahadur Singh, age 64 years, Last posted at: New Jafarabad, Ward No.259, Shahadara North, EDMC, New Delhi.
80. Maya Devi, age 51 years, (**Wife/Legal Representative) of deceased Applicant** late Roop Chand (Mali) S/o Nathu Singh, last posted at Hort. Deptt. Shahadara South Zone, EDMC, New Delhi.
81. Sheela, age 55 years, (**Wife/Legal Representative) of deceased Applicant** late Dharampal (Mali) S/o late Charni Pandit, last posted at Dilshad Garden, Shahadra South, EDMC, New Delhi
82. Feere, (Mali), S/o Sh. Ram Sharan, age 57 years, Posted at: Ward No.228, EDMC, Shahadra South, Zone EDMC, New Delhi
83. Brhampal (Mali), S/o Sh Chhittar Singh, age 50 years, Posted at: Ward No.228, EDMC, Shahadra South, Zone EDMC, New Delhi
84. Jugal Singh, (Mali), S/o Sh. Shyam Lal, age 59 years, posted at: Maternity Center, Karawal Nagar, Shahadara North, Hort. Deptt. EDMC, New Delhi.
85. Kiran Pal Singh (Chowkidar), S/o Sh. Jagat Singh age 54 years, posted at: Commissioner's Office, EDMC, New Delhi
86. Ved Ram (Mali) S/o Sh. Raghbir Singh, age 53 years, Posted At : Ward No.228, Swasthay Vihar, Shahadara South, EDMC, New Delhi
87. Yash Pal Singh (Chowkidar), S/o Sh. Than Singh, age 51 years, Posted at: Ward No.228, Preet Vihar,

Shahadara South, EDMC, New Delhi

88. Gulab Singh (Chowkidar), S/o Sh. Moti Lal, age 52 years, Posted at : Ward No.213, Kalyan Puri, EDMC, New Delhi.
89. Rajkumar (Chowkidar), S/o Sh. Kun Kun Jha, age 54 years, Posted at: Ward No.213, Kalyan Puri, EDMC, New Delhi.

....APPLICANTS

(By Advocate: Mrs. Rekha Palli, Sr. Advocate and Ms. Shruti Munjal)

Versus

1. North Delhi Municipal Corporation,
Through Commissioner,
Dr. S P Mukherjee, Civic Center,
J L Nehru Marg, Minto Road,
New Delhi-110002.
2. East Delhi Municipal Corporation,
Through Commissioner,
Dr. S P Mukherjee, Civic Center,
J L Nehru Marg, Minto Road,
New Delhi-110002.
3. South Delhi Municipal Corporation,
Through Commissioner,
Dr. S P Mukherjee, Civic Center,
J L Nehru Marg, Minto Road,
New Delhi-110002.
4. The Director Horticulture,
North Delhi Municipal Corporation,
Dr. S P Mukherjee, Civic Center,
J L Nehru Marg, Minto Road,
New Delhi-110002.
5. The Delhi Development Authority,
Through its Chairman,
Vikas Sadan, New Delhi.

...Respondents

(By Advocate: Shri D.S. Mahendru, Ms. Sangita Rai, Shri R.K. Jain and Shri J.P. Tiwari)

ORDER (Oral)**Shri V. Ajay Kumar, Member(J):****MA No.2124/2015**

This MA has been filed by the applicants for joining together in one application.

2. For the reasons stated therein, the same is allowed.

OA No.2389/2015

3. Heard the learned senior counsel for the applicant Ms. Rekha Palli and Shri R.K. Jain, Shri D.S. Mahendru, Ms. Sangita Rai and Shri J.P. Tiwari, for respondents. The applicants who are working in different capacities in the respondents-Municipal Corporations, i.e., NDMC, EDMC and SDMC, have filed this OA seeking the following reliefs:-

"(A) Direct the respondents No. 1,2 & 3 to pay the same pay-scale after the 1st and 2nd ACP as is being granted to similarly placed employees working in Respondent No.3 and pay all arrears of the differential amounts, which issue already stands adjudicated by this Hon'ble High Court of Delhi and this Hon'ble Tribunal and therefore, grant benefit of judgment passed by the Hon'ble High Court of Delhi dated 01.03.2012; and

(B) Direct the Respondents No.1,2, & 3 to pay the same pay-scale after the 1st and 2nd ACP as is being granted to similarly placed employees working in Respondent No.1,2 & 3 who were parties to the earlier TAs and Writ Petitions"

4. When this matter was taken up for hearing, learned senior counsel for the applicants submits that the subject matter of this OA is squarely covered by various decisions of

this Tribunal and of the Hon'ble High Court and that the applicants would be satisfied if a direction is issued to the respondents to consider the cases of the applicants in terms of those decisions of this Tribunal as also of the Hon'ble High Court and to pass appropriate speaking and reasoned orders thereon within a fixed time frame.

5. Learned Counsel appearing for the respondents disputed the submissions of the learned senior counsel for the applicants that the decisions cited in the OA are applicable to the applicants in the present OA. However, he submits that they will consider the cases of the applicants keeping in view the decisions of this Tribunal as well as of Hon'ble High Court and whether the said orders are applicable to them or not and will pass appropriate orders if such a direction is issued by this Tribunal. Learned counsel for the respondents further submits that the OA does not contain the individual particulars of the candidates such as when they were appointed and in which Municipal Corporation they are working as on today etc.

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.

(P.K. Basu)
Member(A)

(V. Ajay Kumar)
Member(J)

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