

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 2108/2015
M.A. No. 1903/2015

New Delhi, this the 7th day of November, 2016.

HON'BLE MR. P.K. BASU, MEMBER (A)

1. Neelam (PET),
Aged about 34 years,
D/o Shri Mohinder Singh,
R/o H.No.B-130, Chhawla,
New Delhi-110040.
2. Seema Gupta,
Assistant Teacher,
Aged about 37 years,
D/o Shri Jagdish Chander,
R/o 518/10-D, Karkari Road,
Vishwas Nagar,
Shahdara, Delhi-110032. .. Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

North DMC & Ors. through

1. The Commissioner,
North Delhi Municipal Corporation,
Civic Centre, New Delhi.
2. The Commissioner,
East Delhi Municipal Corporation,
Shahdara, Delhi.
3. The Commissioner,
South Delhi Municipal Corporation,
Civic Centre, New Delhi.

4. The Chairman,
Delhi Subordinate Service Selection Board,
Karkardooma, Delhi.

5. Directorate of Education,
Through its Director,
Govt. of NCT of Delhi,
Old Secretariat, New Delhi. .. Respondents

(By Advocate : Shri R.K. Jain for R-1 and
Shri Lalta Prasad for Shri Puneet Yadav for R-2)

ORDER (ORAL)

Heard the learned counsel for both the sides.

2. MA 1903/2015 filed for joining together is allowed.

3. Both the applicants had appeared in the written examination conducted by the Govt. of NCT of Delhi for the post of Assistant Teacher in the year 2002. Although results of some of the unreserved candidates were declared and they were appointed in the year 2003, due to litigation pending before the Hon'ble High Court regarding whether the benefits can be given to reserved candidates of outside Delhi or not, the results of the applicants were not declared.

4. In this regard, learned counsel for the applicant relies on this Tribunal's order in O.A. No.4383/2013 pronounced on 19.09.2014

in the case of Kumar Arvind vs. Govt. of NCT of Delhi and others, in which the O.A. was disposed of with the following order:

“8. In the circumstances and for parity of reasons, the OA is allowed. The respondents are directed to grant notional seniority to the applicant as per his position in the merit list prepared by the DSSSB in the year 2002. He shall also be given fixation of pay on notional basis from the date the first General Category candidate has joined duty. Consequently, he will be entitled for notional increments and other benefits like GPF, Pension, etc. as admissible to his batch mates, belonging to the Unreserved category. However, he is not entitled for any arrears of pay. The respondents shall pass appropriate orders in this regard within two months from the date of receipt of a copy of this order. No order as to costs.”

5. Learned counsel for the respondents stated that there has been considerable delay in filing this O.A. and, therefore, it deserves to be dismissed on the ground of limitation.

6. In view of the above order passed in the earlier O.A., this O.A. is also disposed of with a direction to grant notional seniority to the applicants as per their position in the merit list prepared by the DSSSB in the year 2002. They shall also be given fixation of pay on notional basis from the date the first General category candidate has joined duty. Consequently, they will be entitled for notional increments and other benefits like GPF, Pension, etc. as admissible to their batch mates, belonging to the Unreserved category. However, they are not entitled for any arrears of pay. The respondents shall pass appropriate orders in this regard within

three months from the date of receipt of certified copy of this order.

No order as to costs.

(P.K. Basu)
Member(A)

/Jyoti/