

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

O.A. No.3343/2014

This the 29th day of September, 2016

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

1. MCD Fourth Class Employees
Lokhit Morcha (Regd)
Represented by its president
Abdul Latif, Aged 49 years
Zonal Office-MCD School
Hauz Khas Enclave, New Delhi-16.

2. Shri Vishwas Chand
Aged 51 years, Member
MCD Fourth Class Employees
Lokhit Morcha (Regd), Zonal Office-MCD School
Hauz Khas Enclave, New Delhi-16 ..Applicants

(By Advocate: Shri Satender Kr. Singh)

Versus

1. The Commissioner MCD South Zone
Shyama Prasad Mukherji Bhawan
Civic Center, 23rd Floor, Jawar Lal Marg
New Delhi-110002.

2. The Additional Commissioner (Education)
MCD South Zone, Shyama Prasad Mukherji Bhawan
Civic Center, 23rd Floor, Jawahar Lal Marg
New Delhi-110002.

3. The Director
MCD South Zone, Shyama Prasad Mukherji Bhawan
Civic Center, 23rd Floor, Jawahar Lal Marg
New Delhi-110002.

4. The Dy. Education Officer
Education Department
Municipal Corporation of Delhi
South Zone, Green Park
New Delhi-110016. ...Respondents

(By Advocate: Shri S N Verma)

O R D E R (ORAL)

The controversy in this OA is that the applicants who are working as Chowkidar in South Delhi Municipal Schools do not have any fixed hours of duty as of now. The learned counsel for the applicants states that as a result the applicants have to do more than 8 hours of duty a day. They have to stay over night to guard the school property and also are asked to do duty during the day. Learned counsel for the respondents states that the department is of the view that the duty hours of Chowkidars should be 8 hours a day. However, they have following constraints in implementing this decision:-

- "1. That there are 588 primary schools under jurisdiction of South Delhi Municipal Schools which are running at 446 Sites. Hence for each sites the department will have to create new post which will be two times more these the existing posts.
- 2. The department will have to make provision of funds for this purpose.
- 3. These post will have to be filled up The deployment of man power will take some time."

2. It is stated that the department has been agitated over this issue and would come out with a solution soon and one of the solutions that they have thought of, which is partly implemented, is that the job of Chowkidar is being out sourced to private entities. I find from the order dated 15.02.2013 issued by SDMC in compliance of our order dated 28.01.2013 that the deployment of the said man power is likely to take at least six months. However, even after passage of more than three years, learned counsel for

the respondents states that they have not been able to frame a complete policy to that effect.

3. Since the respondents states that they are of the view that Chowkidars should have 8 hours duty, there is no controversy on the main issue that there is vagueness in the duty hours of the Chowkidars. The constraints of SDMC are also taken note of. However, whatever SDMC does has to be within a proper time frame. This situation cannot be allowed to linger on for years together. I, therefore, dispose of this OA with a direction to the respondents to come out with a clear cut policy which would clearly specify the duty hours of a Chowkidar and also, as a consequence, alternative arrangements such as out sourcing for guarding all the schools to protect the Govt. property. They are also directed that in case a Chowkidar is asked to stay at night in the school, they be provided with minimum facilities of room, lights and fan. I understand that SDMC may require sometime due to fund constraints, that is why three months' time is granted for compliance of this order. No costs.

**(P.K. Basu)
Member (A)**

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