

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

O.A. No.3588/2012

Monday, this the 7th day of September, 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. D P Vats s/o late Mr. Tara Chand
r/o A-632-A, Palam Vihar
Gurgaon (Haryana)
2. Mr. Aehmad Kamal s/o Mr. Ameer Aehmad
Flat No.208, NDMC Housing Complex
Sector 11, Rohini, Delhi
3. Kewal Kumar s/o late Mr. Panna Lal
r/o J-1220 J Block
Palam Vihar, Gurgaon (Haryana)
4. Mr. Devender Kumar s/o Mr. A S Sharma
r/o C-17, Mohalla Bhagat Singh
Seelampur, Delhi-53
5. Mr. Ram Avtar Gupta s/o Mr. Om Prakash Gupta
r/o F-62-A, Adhyapak Nagar
Nangloi, New Delhi
6. Mr. Bal Ram s/o Mr. Sukhbir Singh
r/o 359/8, Gali No.3
Ravi Dass Mandir Marg
Mandawali Fazalpur, Delhi-92
7. Mr. Satish Kumar s/o Mr. Jai Singh
Flat No.228, NDMC Housing Complex
Sector-11, Rohini, Delhi
8. Mr. Vishwadeep Gaur s/o Mr. N P Gaur
r/o 9/4541, Ajit Nagar, Delhi-31
9. Mr. Vijender Kumar s/o Mr. Mehar Singh
H.No.114, Village Hastaal
PO Uttam Nagar, New Delhi
10. Mr. Shinder Pal Singh s/o Mr. Dalip Singh
Flat No.227, NDMC Housing Complex
Sector-11, Rohini, Delhi

11. Mr. Ramesh Chand s/o Mr. Bheekh Chand
r/o C-1, 137, Yamuna Vihar
Delhi-92
12. Mrs. (Ms.) Anita Sharma w/o Mr. Divyanshu Singh
r/o 5/65-66, Malviya Nagar
New Delhi-17
13. Mr. Neeraj Bhardwaj s/o Mr. S R Bhardwaj
r/o D-100 Kamla Nagar
Delhi-7
14. Mr. Anil Verma s/o Virender Verma
r/o C-45, Shyam Park
Shahibabad Extn. Ghaziabad
15. Delete
16. Mr. Mehar Chand s/o late Mr. Hukam Singh
Flat No.14/2 Lal Bahadur Sadan
NDMC, Gol Market, New Delhi
17. Mr. Om Prakash s/o Mr. Sukh Dayal
Flat No.C-7, Palika Niwas
Lodhi Colony, New Delhi
18. Mrs. Kanchan w/o Naveen Kapoor
Flat No.61, NDMC Housing Complex
Sector-11, Rohini, Delhi
19. Mrs. Kiran Rai Kuwar, wo Subhash Rai Kuwar
F.No.274, J Block
DDA Flats, Kalkaji, New Delhi
20. Mr. Hari Om s/o late Mr. Moti Lal
r/o 155/1, Paschim Puri, Delhi-92
21. Anup Bhatt s/o Mr. G C Bhatt
r/o U-167, Shakarpur, Delhi-92
22. Deleted
(Nemo) ..Applicants

Versus

1. Chairman
New Delhi Municipal Council
Palika Kendra, Parliament Street
New Delhi-1

2. Secretary
 New Delhi Municipal Council
 Palika Kendra, Parliament Street
 New Delhi-1

(Mr. Rajeev Kumar, Advocate)

..Respondents

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

The prayer made in the Original Application filed under Section 19 of the Administrative Tribunals Act, 1985 reads thus:-

“(I) Direct respondents to consider creating promotional avenues in the feeder grade of Court Clerks reopening the case of the applicants for finalizing the promotional avenues as suggested by Legal Advisor, without insisting upon the barrier of pendency of LPA No.666/2011 and grant of TBP and respondents may further be directed to start the process of promotion of the applicants after creating promotional avenues in the feeder grade of Court Clerks.

(II) Direct the respondents to create the posts of Court Clerk, Sr. Court Clerk Grade-II, Sr Court Clerk Grade-I, in the pay scale of 3050-4590, 4000-6000/-, and 5000-8000/- I n5th CPC thereby creating promotional avenues as recommended by the Legal Advisor, NDMC, which is separate from the case for equal pay for equal work, pending in LPA No.666/2011 in High Court.

(III) To direct the respondents to frame the RR's after creating promotional avenues in the feeder grade of Court Clerks as per the RR's in the Ministry of Law and Justice in the Central Govt. and they may be directed to consider the applicants for promotions as per such RR's.

(IV) Allow the Original Application with all consequential benefits.

(V) Issue any such and further order/directions the Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case : and

(VI) Allow exemplary costs of the application.”

2. Mr. Rajeev Kumar, learned counsel for respondents produced the copy of office order No. SO (E)/604/SA-XIV dated 28.2.2014 whereby 24 numbers of Court Clerks, working in New Delhi Municipal Council

(NDMC), have been merged along with the cadre of Clerical Assistant with immediate effect. The office order reads thus:-

“Office order

Consequent upon the approval of Competent Authority, the post of Court Clerk is merged along-with the General Ministerial Cadre of Clerical Assistant.

All the 24 nos. of Court Clerks working in NDMC are hereby merged along-with the cadre of Clerical Assistant, with immediate effect.

The decision about the ‘Seniority and Fixation of pay’ will be taken in due course, as per rules.”

3. He has also produced a copy of another office order No. SO (E)/477/SA-III/2014 dated 25.8.2014 whereby a decision has been taken to give DLT Scale to Junior Stenographers, Clerical Assistants and Helpers from the dates mentioned against each. The office order reads thus:-

“Office order

In pursuance of decision taken vide Office Order No.1/CGIT Cell/13/HA dated 02.6.2014 regarding grant of SS Scale to all left out categories and consequent upon recommendations of the sub-committee constituted under the chairmanship of Director (Accounts) for deciding the DTL Scale to be given to the categories, following pay-scales (under DTL) are hereby granted to the category of Jr. Stenographers, Clerical Assistants and Helpers from the dates mentioned against each:

Sr. No.	Name of Post	Pay-scale to be granted w.e.f. 1.4.98	Revised pay-scale w.e.f. 1.1.2006
1.	Jr. Stenographer	Rs.4200-9100	Rs.8500-26300 + Rs.3100 Grade Pay
2.	Clerical Asstt.	Rs.4000-7100	Rs.8500-26300 + Rs.2800 Grade Pay
3.	Helper	Rs.3050-4845 (upgraded to Rs.3200-4985 w.e.f. 15.11.99)	Rs.6000-20200 + Rs.2000 Grade Pay

Further, it is also decided as under:-

1. The benefits of pay fixation/grant of TBP shall be available to these categories w.e.f. 1.4.1998. However, for the purpose of grant of Time Bound Promotion, their service will be counted from the date of appointment/promotion as Jr. Stenographer, Clerical Assistant and Helper respectively.
2. The matter related to merger of above cadres as recommended by the sub-committee viz. amending RRs, finalization of inter-se seniority, promotion etc. shall be taken up separately.

This issues with the approval of the Competent Authority, NDMC.”

4. In the wake, we are of the view that the applicants are satisfied with the aforementioned office orders passed by the respondents and are no longer interested in pressing the present Original Application any further.
5. The Original Application is accordingly disposed of as infructuous. No costs.

(K. N. Shrivastava)
Member (A)

(A.K. Bhardwaj)
Member (J)

September 7, 2015

/sunil/