

**Central Administrative Tribunal
Principal Bench**

OA No.3619/2015

New Delhi, this the 30th day of September, 2015

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P. K. Basu, Member (A)**

1. Yusuf,
S/o Moh. Alla Mehar,
Aged 56 Years,
Post- Beldar
No. 10026552,
Working at Ward-238,
Loni Road, M-III, Maintenance EDMC,
New Delhi, EDMC
2. Laljee,
S/o Sh. Jhilmil,,
Aged 54 Years,
Post- Beldar
No. 10026223,
Working at Ward-258,
Loni Road, M-III, Maintenance,
Shahdara North, EDMC, New Delhi.
3. Satpal Singh,
S/o Sh. Mangat Ram,
Aged 53 Years,
Post- Beldar
No. 10024550,
Posted at Ward-237,
Loni Road, M-II,
Shahadara, South Zone, EDMC,
New Delhi
4. Ramji Lal,
S/o Sh. Munna Lal ,
Aged 55 Years,
Post- Beldar
No. 10025527,
Posted at Ward-258,
Loni Road, M-III, Maintenance
Shahadara North, EDMC, New Delhi
5. Rohtash Singh,
S/o Sh. Dhetan Singh,
Aged 57 Years,
Post- Beldar
No. 10026224,
Posted at Ward-258,
Loni Road, M-III, Maintenance ,
Shahadara, New Delhi, EDMC

6. Tarif Singh,
 S/o Sh. Bhule Ram,
 Aged 55 Years,
 Post- Beldar
 No. 10026217,
 Posted at Ward-258,
 Loni Road, M-III, Maintenance,
 Shahadara North, EDMC, New Delhi.
7. Malkhan,,
 S/o Sh. Shiv Dayal,
 Aged 56 Years,
 Post- Beldar
 No. 10026226,
 Posted at Ward-258,
 Loni Road, M-III, Maintenance,
 Shahadara North, EDMC, New Delhi
8. Murgi Hasan,
 S/o Muri Bhunti,
 Aged 58 Years,
 Post- Beldar
 No. 10026222,
 Posted at Ward-258,
 Loni Road, M-III, Maintenance,
 Shahadara North, EDMC, New Delhi
9. Faqhroodeen,
 S/o Moh. Allaraji,
 Aged 53 Years,
 Post- Beldar
 No. 10025026,
 Posted at Ward-244,
 Sunder Nagri Maintenance,
 Shahadara North Zone, EDMC
 New Delhi
10. Hoshiar Singh,
 S/o Sh. Attar Singh,
 Aged 55 Years,
 Post- Beldar
 Posted at Ward-244,
 Sunder Nagri, Maintenance,
 Shahadara North Zone, EDMC, New Delhi
11. Vijay Singh
 S/o Sh. Bikram Singh,
 Aged 54 Years,
 Post- Beldar
 Working at Ward-246,
 MIG Flat, Loni Road, M-III, Maintenance,
 Shahadara North, EDMC, New Delhi

12. Kanhaiya Lal
S/o Sh. Shyam Ram,
Aged 59 Years,
Post- Beldar
No. 10025039,
Posted at Ward-244,
Sunder Nagri, Maintenance,
Shahadara North Zone, EDMC, New Delhi
13. Bhopal Singh
S/o Dharam Singh,
Aged 52 Years,
Post- Beldar
No. 10025030,
Posted at Ward-244,
Sunder Nagri, Maintenance,
Shahadara North, EDMC, New Delhi
14. Tejpal,
S/o Sh. Bhole Ram,
Aged 54 Years,
Post- Beldar
No. 10023613,
Posted at Ward-237,
M-II, Shahadara South Zone,
EDMC, New Delhi
15. Bhagwan Das,
S/o Sh. Bhim Singh,,
Aged 57 Years,
Post- Beldar
No. 10021807,
Posted at Ward-214,
Gazipur Store, EDMC, New Delhi
16. Padam Singh,
S/o Sh. Lekh Ram,
Aged 56 Years,
Post- Beldar
No. 10022513,
Posted at Ward-219,
Mayur Vihar Phase-II, Divison M-IV,,
Shahadara South, EDMC, New Delhi
17. Laxmi Narayan Sharma
S/o Sh. R.C. Sharma,
Aged 53 Years,
Post- Chowkidar
No. 10022506,
Ward-219, Mayur Vihar Phase-II Division M-IV,,
Shahadara South, EDMC, New Delhi
18. Satyaveer Singh,
S/o Sh. Chandaki Ram,

Aged 53 Years,
 Post- Mali
 No. 10023093,
 Posted at Ward-219,
 Vivek Vihar,
 Shahadara South, EDMC, New Delhi

19. Ganga Ram
 S/o Sh. Bhule Ram,
 Aged 56 Years,
 Post- Mason
 No. 10025028,
 Posted at Ward-244,
 Sunder Nagri Maintenance,
 Shahadara North Zone,
 EDMC, New Delhi
20. Sohan Lal
 S/o Sh. Gyanda Ram,
 Aged 59 Years,
 Post- Mason
 No. 10022515,
 Posted at Ward-219,
 Mayur Vihar Phase-II Division M-IV,
 Shahadara South, EDMC, New Delhi
21. Satya Narayan,
 S/o Jumma Mal,
 Aged 58 Years,
 Post- Painter
 No. 10022510,
 Posted at Ward-219,
 Mayur Vihar Phase-II Division-M-IV,
 Shahadara South, EDMC, New Delhi
22. Sudhanshu
 S/o Sh. Aswani Kumar,
 Aged 55 Years,
 Post- Painter
 No. 10021761,
 Posted at Ward-214,
 Gazipur Dairy Farm, Division M-III,
 Shahadara South Zone, EDMC, New Delhi
23. Surjeet
 S/o Bakkeri Ram,
 Aged 55 Years,
 Post- Swachhata Karamchari,
 No. 51800538,
 Posted at Ward-213,
 Kalyanpuri Shahadara North,
 EDMC, New Delhi
24. Shripal

S/o Sh. Bunda Ram,
 Aged 55 Years,
 Post- Swachhata Karamchari,
 No. 51800548,
 Posted at Ward-213,
 Kalyanpuri Shahadara North,
 EDMC, New Delhi

25. Suresh Pal
 S/o Chander Pal,
 Aged 53 Years,
 Post- Swachhata Karamchari,
 No. 51800540,
 Posted at Ward-213,
 Kalyanpuri Shahadara North,
 EDMC, New Delhi
26. Om Pal
 S/o Sh. Rame,
 Aged 55 Years,
 Post- Swachhata Karamchari,
 No. 51800544,
 Posted at Ward-213,
 Kalyanpuri Shahadara North,
 EDMC, New Delhi
27. Bhagchand,
 S/o Sh. Tukki,
 Aged 55 Years,
 Post- Swachhata Karamchari,
 No. 51800550,
 Posted at Ward-213,
 Kalyanpuri Shahadara North,
 EDMC, New Delhi
28. Inder Pal
 S/o Sh. Babu Lal,
 Aged 55 Years,
 Post- Swachhata Karamchari,
 No. 51800553,
 Posted at Ward-213,
 Kalyanpuri Shahadara North,
 EDMC, New Delhi
29. Ranjeet,
 S/o Bakheri Ram,
 Aged 53 Years,
 Post- Swachhata Karamchari,
 No. 51800534,
 Posted at Ward-213,
 Kalyanpuri Shahadara North,
 EDMC, New Delhi

30. Rajkumar,
S/o Sh. Nanak,
Aged 54 Years,
Post- Sweeper,
No. 51800505,
Posted at Ward-213,
Kalyanpuri Shahadara North,
EDMC, New Delhi
31. Jaipal
S/o Jahanna,
Aged 54 Years,
Post- Sweeper,
No. 51800506,
Posted at Ward-213,
Kalyanpuri Shahadara North,
EDMC, New Delhi
32. Suraj Bhan
S/o Sh. Khachedu,
Aged 55 Years,
Post- Sweeper,
No. 51800563,
Posted at Ward-213,
Kalyanpuri Shahadara North,
EDMC, New Delhi
33. Prem Chand,
S/o Sh. Trilok Chand,
Aged 58 Years,
Post- Sweeper,
No. 51800562,
Posted at Ward-213,
Kalyanpuri Shahadara South,
EDMC, New Delhi
34. Pappu
S/o Susram,
Aged 49 Years,
Post- Beldar,
No. 10024950,
Posted at Ward-241,
SDNH, M-1, Maintenance,
Shahdara North Zone,
EDMC, New Delhi
35. Ram Niwas
S/o Late Sh. Mamchand,
Aged 50 Years,
Post- Beldar,
No.10025040,
Posted at Ward-243,
Nand Nagri, M-1 Maintenance
Shahadara North Zone,

EDMC, New Delhi

36. Mohd. Basheer
S/o Mohd. Chhote Khan,
Aged 55 Years,
Post- Beldar,
No.10024963,
Posted at Ward-243,
Nand Nagri, M-1 Maintenance
Shahadara North Zone,
EDMC, New Delhi
37. Attar Singh
S/o Sh. Shri Ram,
Aged 54 Years,
Post- Beldar,
Ward-241,
SDNH, M-1 Maintenance
Shahadara North Zone,
EDMC, New Delhi
38. Zakir Ali
S/o Moh. Buniyad Ali,
Aged 55 Years,
Post- Beldar,
No.10024916,
Ward-249,
Chauhan Nagar, M-VI Maintenance
Shahadara North Zone,
EDMC, New Delhi
39. Guljar,
S/o Mohd. Basheer,
Aged 54 Years,
Post- Beldar,
No.10024904,
Posted at Ward-249,
Chauhan Nagar, M-VI Maintenance
Shahadara North Zone,
EDMC, New Delhi
40. Lekh Raj Singh
S/o Late Sh. Kiran Singh,
Aged 53 Years,
Post- Beldar,
No.10025536,
Posted at Ward-243,
Nand Nagri, M-1 Maintenance
Shahadara North Zone,
EDMC, New Delhi
41. Sejanti Ram
S/o Late Sh. Sonpal,
Aged 57 Years,

Post- Beldar,
No.10024961
Posted at Ward-243,
Nand Nagri, M-1 Maintenance
Shahadara North Zone,
EDMC, New Delhi

42. Bhopal Singh
S/o Late Sh. Prem Raj,
Aged 53 Years,
Post- Beldar,
No.10025528,
Posted at Ward-243,
Nand Nagri, M-1 Maintenance
Shahadara North Zone,
EDMC, New Delhi
43. Tez Pal
S/o Late Sh. Tek Chand,
Aged 54 Years,
Post- Beldar,
No.10026448,
Posted at Ward-244,
Sunder Nagri Maintenance
Shahadara North Zone,
EDMC, New Delhi
44. Ram Lal
S/o Sh. Mansa Singh,
Aged 55 Years,
Post- Mason,
No.10026251,
Working at Ward-241,
SDNH, M-1 Maintenance
Shahadara North Zone,
EDMC, New Delhi
45. Lal Kishan
S/o Sh. Harchendi,
Aged 55 Years,
Post-Mali,
No.10022904,
Posted at Ward-229,
Krishna Nagar Shahadara South Zone,
EDMC, New Delhi
46. Gange
S/o Sh. Chhajjan Singh,
Aged 65 Years,
Post- Mason,
Division -14,
EEMC(i), Shahadara
EDMC, New Delhi

47. Baboo Khan,
S/o Sh. Jumma,
Aged 62 Years,
Post- Carpenter,
Ward-220,
HIG Mayur Vihar, Phase- , EDMC

48. Hari Om
S/o Sh. Ramey,
Aged 53 Years,
Post- Swachhata Karamchari,
No. 51800535,
Posted at Ward-213,
Kalyanpuri Shahadara North,
EDMC, New Delhi

49. Chaman Singh
S/o Sh. Harkesh,
Aged 56 Years,
Post- Swachhata Karamchari,
No. 51800549,
Posted at Ward-213,
Kalyanpuri Shahadara North,
EDMC, New Delhi

..... Applicants

(By Advocates : Mrs. Rekha Palli, Sr. Advocate with
Ms. Ankita Patnaik)

Vs.

1. North Delhi Municipal Corporation,
Through Commissioner,
Dr. S.P. Mukherjee, Civic Center,
J.L. Nehru Marg, Minto Road,
New Delhi-110002.

2. The Director Horticulture,
North Delhi Municipal Corporation,
Dr. S.P. Mukherjee, Civic Center,
J.L. Nehru Marg, Minto Road,
New Delhi-110002.

3. The Delhi Development Authority
Through its Chairman,
Vikas Sadan, New Delhi.

..... Respondents

(By Advocate : Shri K. M. Singh)

: O R D E R (ORAL) :

Justice Syed Rafat Alam, Chairman :

In the instant Application, the short grievance of the applicants is that the respondents 1 and 2 are not giving the same pay scale and benefits, such as under ACP Scheme along with arrears extended to similarly placed other employees, and, therefore, have sought the following reliefs:-

- “(A) Direct the Respondents No.1 & 2 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, 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 to pay the same pay scale after the 1st and 2nd ACP along with all upto date arrears as is being granted to similarly placed employees working in Respondent No.1 & 2 who were parties to the earlier TAs and Writ Petitions; and
- (C) Pass any other appropriate order or relief which this Hon’ble Tribunal deems fit and proper.”

2. It appears that the applicants, some of whom have retired/expired, joined the Delhi Development Authority (DDA) between the years 1976 and 1990 as Malis, Chowkidars, Masons and Carpenters. Subsequently, they were transferred from DDA to Municipal Corporation of Delhi (MCD). They seek the same pay scales after the 1st and 2nd upgradation under the Assured Career Progression (ACP) Scheme along with arrears as is being granted to similarly placed persons who continued to work in DDA unlike the applicants who were transferred to the MCD.

3. In support of their claim, the applicants rely on the order of this Tribunal dated 17.02.2015 in OA 638/2015, **Munishwer and**

others Vs. North Delhi Municipal Corporation and others, which was disposed of with a direction to the respondents to consider the representations of the applicants therein in view of the decisions of this Tribunal and the Hon'ble High Court annexed as Annexures A-5 to A-8 in that Application. We are informed that in the instant case also, those orders of the Tribunal as well as the Hon'ble High Court are enclosed as Annexures A-5 to A-8 of the OA.

4. Learned counsel for the respondents could not dispute before us that the issue is identical to that of OA No.638/2015.

5. Looking to the nature of the controversy and also in view of the fact that the factual aspect of the controversy requires verification of record etc., it would be appropriate to dispose of this matter at this stage without expressing any opinion on merit with direction to the respondents to examine the representation of the applicant dated 7.08.2015 or a fresh one, if filed, within a fortnight from today along with a copy of this OA with its enclosures. The respondents shall take a final decision expeditiously, preferably within a period of three months from the date of production of certified copy of this order.

6. With the above order, the Original Application stands disposed of.

(P. K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/pj/