

**Central Administrative Tribunal  
Principal Bench**

**OA No.3621/2015**

New Delhi, this the 30<sup>th</sup> September, 2015

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

1.     Rohtash Singh  
       S/o Shri Dharampal Singh  
       Age 54 years  
       Post-Security Guard  
       Ward – 189, Sheikh Sarai-II  
       Green Park Zone  
       SDMC
2.     Vinod Kumar  
       S/o Shri Bhola Ram  
       Age 59 years  
       Post-Chowkidar  
       No.10037030  
       Ward -104, Pocket-3  
       Paschim Puri, West Zone  
       SDMC
3.     Rattan Singh  
       S/o Shri Bhopal Singh  
       Age 47 years  
       Post – Chowkidar  
       Ward-105, Madhav Park/Bindra Park,  
       Rajouri Garden  
       West Zone SDMC
4.     Ramesh Chand  
       S/o Shri Budh Singh  
       Age 59 years  
       Post-Mali  
       Ward – 189, Millenium Park  
       Chirag Delhi  
       Green Park Zone  
       SDMC
5.     Swami Nath  
       S/o Shri Kippu Swami  
       Age 55 years  
       Post – Mali  
       Ward-189, Millenium Park, Chirag Delhi  
       Green Park Zone, SDMC

6. Narender Singh (Deceased) Post-Mali  
S/o shri Alwela Singh  
Through his wife Smt. Pushpa Devi  
B-3 NHP Park, West Zone Rajouri Garden  
SDMC
7. Asha Raham  
S/o Shri Chandgi Ram  
Age 58 years  
Post-Mali  
No.10006652  
Ward-65 Vasant Enclave, Green Park Zone  
SDMC
8. Ramji Lal  
S/o Shri Pokherial  
Age 60 years  
Post-Mali  
Ward-189 Millenium Park  
Chirag Delhi  
Green Park Zone,  
SDMC
9. Rampher  
S/o Shri Sukdev  
Age 54 years  
Post-Mali Now Chaudhary  
No.10006441  
Ward – 135, LIG Sector-16, Pocket-B  
Dwarka  
Najafgarh Zone  
SDMC
10. Krishan Kant Mishra  
S/o Shri Hariwansh Mishra  
Age 51 years  
Post Pump Operator  
10036940  
Ward-104, Madipur  
West Zone  
SDMC  
New Delhi
11. Tarsem Singh  
S/o Shri Naseeb Singh  
Age years  
Post-Pump Operator  
10037365  
Ward-103, Harbal Garden  
Punjabi Bagh  
West Zone, SDMC

New Delhi

12. Siyaram  
S/o Shri Hanimant  
Age 56 years  
Post-Pump Operator  
No.10033392  
DC Office Control Room South Delhi  
Najafgarh Zone, SDMC
13. Hemnath  
S/o Shri Dulari Ram  
Age 61 years  
Post-pump Operator  
Ward-147, Sector-1, Dwarka, SDMC
14. Pitam Singh  
S/o Shri Sohan Singh  
Age 62 years  
Post – Pump Operator  
Subhash Nagar West Zone  
SDMC
15. Sushil Kumar Sharma  
S/o Shri Ramkishan Sharma  
Age 59 years  
Post- Security Guard  
No.10036650  
Ward -101 Raja Garden West Zone  
SDMC  
Horticulture
16. Jai Prakash  
S/o Shri Chhattan Dhari  
Age 52 years  
Post Beldar  
Engineering, (M)-1/CNZ  
Defence Colony  
Central Zone Lajpat Nagar  
SDMC  
New Delhi
17. Prakash  
S/o Shri Sukhey  
Age 59 years  
Post Sweeper  
Sunlight Colony  
First, Ward No.156  
Bhagwan Nagar, Ashram  
New Delhi

18. Tejbeer  
S/o Shri Chandi  
Age 54 years  
Post-Sweeper  
Sunlight Colony, First  
Ward No.156  
Bhagwan Nagar, Ashram  
New Delhi
19. Beer Singh  
S/o Shri Mohan Lal  
Age 58  
Post- Sweeper  
No.51201401  
Sunlight Colony  
First, Ward No.156  
Bhagwan Nagar, Ashram  
New Delhi
20. Baljeet  
S/o Shri Murali  
Age 65 years  
Post-Sweeper  
Lajpat Nagar Zone  
Central Zone, SDMC  
New Delhi
21. Kamal Nath  
S/o Shri Hom Nath  
Age 53 years  
Post Beldar  
No.1003539  
Ward-156, Lajpat Nagar Zone Bhogal SMDC  
New Delhi
22. Suraj  
S/o Shri Attar Singh  
Age 50 years  
Post-Beldar  
Ward-191 GK-I, Lajpat Nagar Zone  
SDMC,  
New Delhi
23. Vijay  
S/o Shri Risale  
Post-Beldar  
No.1003692, Last posted at Ward-186  
Hamdard, Lajpat Nagar Zone, SDMC  
Through his wife Godhawari  
Age 52 years

24. Jagat Singh  
S/o Shri Laxman Singh  
Age 50 years  
Post-Beldar  
Ward-190 CR Park Lajpat Nagar Zone  
SDMC  
New Delhi
25. Babu Lal  
S/o Shri Kaluram  
Age 60 years  
Post Chowkidar  
Ward-123, Vikaspuri, SDMC  
New Delhi
26. Khushi Ram  
S/o Shri Fhate Singh  
Age 54 years  
Post-Chowkidar  
No.10035399  
Ward-118, C-2B Janakpuri (Barat Ghar) SDMC  
New Delhi
27. Hargu Nath  
S/o Shri Chander Bali  
Age 52 years  
Post-Chowkidar  
No.10060053  
Ward-110, Nagal Village Community Centre  
Janakpuri, SDMC, New Delhi
28. Lila Dhar  
S/o Shri Hira Lal  
Age 55 years  
Post-Chowkidar  
No.10060069  
Ward-111 Block B Hari Nagar Barat Ghar  
SDMC New Delhi
29. Sant Ram  
S/o Shri Tara Chand  
Age 54 years  
Post – Chowkidar  
No.10060080  
Ward-110 Krishna Basti Manglapuri, SDMC  
New Delhi
30. Shyam Lal  
S/o Shri Girdhari Lal  
Age 57 years  
Post – Chowkidar

Ward -182 Mandangiri,  
Green Park Zone,  
SDMC  
New Delhi

31. Lekhi Ram  
S/o Shri Bhota Singh  
Age 54 years  
Post-Chowkidar  
Ward 178 Tigri, Green park Zone  
SDMC, New Delhi
32. Soran Singh  
S/o Shri Khachedu  
Aged 60 years,  
Post- Chowkidar  
Ward-180, Dakshin Puri,  
Green Park Zone, SDMC,  
New Delhi.
33. Ram Malesh  
S/o Shri Raja Ram  
Aged 57 years,  
Post- Chowkidar  
Ward-180, Dakshin Puri,  
Green Park Zone, SDMC,  
New Delhi.
34. Omi  
S/o Shri Horan  
Aged 55 years,  
Post- Mali  
No.10006420  
Ward Malviya Nagar,  
Green Park Zone, SDMC,  
New Delhi.
35. Surjan Singh  
S/o Shri Bhagwan Dass  
Aged 64 years,  
Post- Mali  
Ward-59, Saket,  
Green Park Zone, SDMC,  
New Delhi.
36. Brij Kishor  
S/o Sh. Ram Swaroop  
Aged 65 years,  
Post Mali,  
Green Park Zone, SDMC,  
New Delhi.

37. Rajesh  
S/o Shri Charan Singh  
Aged 58 years,  
Post- Mali  
No.10006980  
Ward-183, Dakshin Puri,  
Green Park Zone, SDMC,  
New Delhi.
38. Roop Chand  
S/o Shri Jaikaran  
Aged 55 years,  
Post- Mali  
No.10006983  
Ward-180, Dakshin Puri,  
Green Park Zone, SDMC,  
New Delhi.
39. Ashok Kumar  
S/o Shri Abhimanyu Paswan  
Aged 53 years,  
Post- Mali  
Ward-180, Dakshin Puri,  
Green Park Zone, SDMC,  
New Delhi.
40. Mahender  
S/o Shri Laxman  
Aged 59 years,  
Post- Mali  
No.10006929  
Ward-180, Dakshin Puri,  
Green Park Zone, SDMC,  
New Delhi.
41. Ashok Kumar  
S/o Sh. Veerbal  
Aged 59 years,  
Post- Mali  
No.10006981  
Ward-183, Dakshin Puri,  
Green Park Zone, SDMC,  
New Delhi.
42. Ram Kisan  
S/o Shri Rumal  
Aged 60 years,  
Post- Mali  
Ward-184, Madangiri DDA Flats,  
Green Park Zone, SDMC,

New Delhi.

43. Shanti  
W/o Shri Sher Singh  
Aged 55 years,  
Post- Mali  
No.10004865  
Ward-156, Lajpat Nagar Zone Jal Vihar  
Sunlight Colony-II, SDMC,  
New Delhi.
44. Chandra  
W/o Sh. Ram Lal  
Aged 64 years,  
Post Mali  
Ward-156, Lajpat Nagar Zone, Jal Vihar,  
Sunlight Colony, SDMC, New Delhi.
45. Dharam Bir  
S/o Sh. Ghar Baru  
Aged 60 years,  
Post Mali  
Ward 162, Malviya Nagar, Green Park Zone,  
SDMC, New Delhi.
46. Satpal  
S/o Shri Girwar  
Aged 58 years,  
Post- Mali  
No.10006777  
Ward-173, Anupam Apartment, Saket,  
Green Park Zone, SDMC,  
New Delhi.
47. Moolchand  
S/o Shri Shishram  
Aged 59 years,  
Post- Mali  
Ward-156, Lajpat Nagar Zone,  
SDMC, New Delhi.
48. Chandra Shekhar  
S/o Shri Shri Kishan  
Aged 54 years,  
Post- Mali  
Ward-179, MCD park Dakshin Puri,  
Green Park Zone, SDMC,  
New Delhi.
49. Kalyan Singh  
S/o Shri Ghotiya Ram



Aged 63 yeras,  
 Post- Mali  
 Panchsheel Enclave,  
 Green Park Zone, SDMC,  
 New Delhi.

50. Sharda Ram  
 S/o Shri Surjeet  
 Aged 55 years,  
 Post- Mali  
 Ward-178, Tigri  
 Green Park Zone, SDMC,  
 New Delhi.
51. Rajender Kumar  
 S/o Shri Phool Singh  
 Aged 53 years,  
 Post- Chowkidar  
 No.10005515  
 Ward-114, Tilak Nagar Hor. Deptt. Office,  
 Block-60, Ashok Nagar,  
 SDMC, New Delhi.
52. Balbir Singh  
 S/o Shri Bhup Singh  
 Aged 55 years,  
 Post- Mali  
 No.10006774  
 Ward-161, Navjivan Vihar, Near  
 Aurobindo College,  
 Green Park Zone, SDMC,  
 New Delhi.
53. Chander Pal  
 S/o Shri Banwari Lal  
 Aged 54 years,  
 Post- Mali  
 No.10006444  
 Ward-151, Sheikh Sarai Phase-1,  
 Green Park Zone, SDMC,  
 New Delhi.
54. Shiv Kumar  
 S/o Shri Ram Avadh  
 Aged 55 years,  
 Post- Mali  
 No.10007082  
 Ward-151, Sheikh Sarai Phase-1,  
 Green Park Zone, SDMC,  
 New Delhi.

55. Sattay  
S/o Shri Bhota Singh  
Aged 58 years,  
Post- Mali  
Ward-189, Sheikh Sarai Phase-II,  
Green Park Zone, SDMC,  
New Delhi.
56. Mangey  
S/o Shri Surjeet  
Aged 61 years,  
Post- Swachhata Karamchari  
Ward-156, Central Zone, Lajpat Nagar,  
SDMC, New Delhi.
57. Kartar Singh  
S/o Sh. Chandi Ram  
Aged 61 years,  
Post-Swachhata Karamchari,  
Ward-156, Central Zone,  
Lajpat Nagar, SDMC,  
New Delhi.

.... Applicants.

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

VS.

1. South Delhi Municipal Corporation  
Through Commissioner,  
Dr. S. P. Mukherjee, Civic Center,  
J L Nehru Marg, Minto Road,  
New Delhi 110 002.
2. The Director Horticulture  
South Delhi Municipal Corporation  
Dr. S. P. Mukherjee, Civic Center,  
J L Nehru Marg, Minto Road,  
New Delhi 110 002.
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 1<sup>st</sup> and 2<sup>nd</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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/