

**Central Administrative Tribunal
Principal Bench**

OA No.3621/2015

New Delhi, this the 30th 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. Ramphher
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 Conrol 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. Sattey
 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 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/