

**Central Administrative Tribunal  
Principal Bench**

**OA No.3622/2015**

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

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

1. Leela Ram  
S/o Sh. Dhani Ram  
Age 56 Years  
Post-Beldar  
10042598  
C-52/EE/MRZ-IV, Engineering ,  
Rohini Zone, NDMC
2. Mohit Yadav  
S/o Sh. Pujan Yadav  
Age 53 years  
Post- Beldar  
Ward No. C-24, M-4, Pitampura, Road No.44,  
EE Office, Rohini Zone, NDMC
3. Gulab Singh  
Sh. Prahalad Singh  
Age 56 Years  
Post – Beldar  
Ward No. 49, M-4, Rohini Zone, NDMC
4. Anil Kumar Pal  
S/o Sh. Gajendra Nath Pal  
Age 53 Years  
Post – Beldar  
MRZ-IV, C-50, (West), Engineering Deptt.,  
Rohini Zone,  
New Delhi, NDMC
5. Naresh Kumar  
S/o Sh. Risal Singh  
Age 52 Years  
Post – Beldar  
No. 10029482  
C-50, EE, MRZ-IV, Rohini Zone, Engineering  
Department, NDMC, New Delhi
6. Anand Singh  
S/o Sh. Lilu Ram  
Age 53 Years  
Post- Beldar  
C-50, EE, MRZ-IV, Rohini Zone, Engineering  
Department, NDMC, New Delhi
7. Madan Lal  
S/o Sh. Sardar Singh  
Age 54 Years  
Post-Beldar

No. 10029691  
C-52/EE/MRZ-IV, Engineering, Rohini Zone,  
NDMC

8. Indradev  
S/o Sh. Fagu Ram  
Age 57 Years  
Post-Beldar  
MRZ-IV, C-50, (West), Engineering Deptt.,  
Rohini Zone, New Delhi, NDMC
9. Sant Lal  
S/o Sh. Surat Singh  
Age 57 Years  
Post-Beldar  
No. 10029693  
Ward-52, EE, MRZ-IV, Engineering, Rohini Zone,  
NDMC, New Delhi
10. MS Zaidi  
S/o Sh. Sayyed Hussain  
Age 58 Years  
Post – Beldar  
No. 10029696  
Ward-52, EE, MRZ-IV, Engineering, Rohini Zone,  
NDMC, New Delhi
11. Ashok Kumar  
S/o Sh. Rama Swamy  
Age 48 years  
Post-Beldar  
Ward-5, M-4, Rohini Zone, NDMC, New Delhi
12. Muni Ram  
S/o Sh. Bijati Ram  
Age 52 years  
Post-Beldar  
No. 10029746  
Engineering Deptt. MRZ-IV, Ward-C/24, Rohini  
Zone, NDMC, New Delhi
13. Risal Singh  
S/o Sh. Parbhati  
Age 58 years  
Post – Beldar  
No. 10029525  
Engineering Deptt. MRZ-IV, Ward-C/24, Rohini  
Zone, NDMC, New Delhi
14. Ishwar Singh  
S/o Sh. Chandgi Ram  
Age 53 years  
Post-Beldar  
No. 10029529  
Engineering Deptt. MRZ-IV, Ward-C/24, Rohini  
Zone, NDMC, New Delhi
15. Brham Dutt  
S/o Sh. Mam Chand

Age 53 Years  
 Post-Beldar  
 C-149 B, Karol Bagh Zone, Division M1, North Zone.

16. K. Ganeshan  
 S/o Sh. Karupan  
 Age 58 Years  
 Post – Beldar  
 No. 10029106  
 Ward-68, Wazirpur Industrial Area,  
 Ashok Vihar, Civil Line Zone,  
 NDMC, New Delhi
17. A. Krishnan  
 S/o Sh. Amesh  
 Age 55 Years  
 Post-Beldar  
 No. 10029060  
 Ward-65, Ashok Vihar JJ Colony, Civil Line  
 Zone, NDMC, New Delhi
18. Dilip Kumar  
 S/o Sh. Chhote Lal  
 Age 53 Years  
 Post-Beldar  
 No.10029086  
 Ward-64, Sakurpur JJ Colony,  
 Civil Zone, NDMC, New Delhi
19. Punnu Swami  
 S/o Sh. Perumal  
 Age 50 Years  
 Post-Beldar  
 Ward-65, Ahsok Vihar, JJ Colony,  
 Civil Line Zone, NDMC, New Delhi
20. Matin  
 S/o Jafoor Ansari  
 Age 50 Years  
 Post-Beldar  
 No. 10029083  
 Ward-63, Mandakini, Pitampura Village,  
 Civil Line Zone, NDMC, New Delhi
21. Lal Chand  
 S/o Sh. Sandu Ram  
 Age 50 years  
 Post-Beldar  
 No. 10028837  
 Ward-63, Mandakini, Pitampura Village,  
 Civil Line Zone, NDMC, New Delhi
22. Dharamvir  
 S/o Sh. Jagdev Singh  
 Age 56 years  
 Post – Chowkidar  
 Ward-41, Guru Harkishan Nagar, Paschim Vihar  
 Rohini Zone

23. Joginder Singh  
S/o Sh. Radhey Shyam  
Age 59 Years  
Post – Chowkidar  
No. 10039773  
Ward-41, Guru Harkishan Nagar, Paschim Vihar  
Rohini Zone
24. Ram Niwas  
S/o Sh. Kanhi Ram  
Age 62 years  
Post – Chowkidar  
Ward-41, Guru Harkishan Nagar, Paschim Vihar  
Rohini Zone
25. Ranveer Singh  
S/o Sh. Gopal Singh  
Age 52 Years  
Post- Chowkidar  
No.10036734  
Ward-42 MIA Bali Nagar, Paschim Vihar,  
Rohini Zone
26. Smt. Phoola  
S/o Sh. Prem Chand  
Age 58 Years  
Post – Coolie  
Engineering Deptt. MRZ-IV, Ward-C/24,  
Rohini Zone, NDMC, New Delhi
27. Hari Ram  
S/o Sh. Prabhu Dayal  
Age 59 years  
Post-Mali  
Ward-41, GH-XI, Paschim Vihar  
Rohini Zone, NDMC, New Delhi
28. Suraj Bhan  
S/o Sh. Maha Singh  
Age 55 Years  
Post- Mali  
No. 10036761  
Ward-41, GG-6,, Paschim Vihar  
Rohini Zone
29. Sakender  
S/o Sh. Khakhan Paswan  
Age 58 Years  
Post – Mali  
No. 10036748  
Ward-41, Guru Harkishan Nagar, Paschim Vihar  
Rohini Zone
30. Om Pal  
S/o Sh.Jage Ram  
Age 57 Years  
Post – Mali

No. 10036721  
Ward-41, Guru Harkishan Nagar, Paschim Vihar  
Rohini Zone

31. Hans Raj  
S/o Sh. Asha Ram  
Age 59 Years  
Post – Mali  
Ward-99, Dhingra Park East Punjabi Bagh,  
Karol Bagh Zone, NDMC
  32. Rajender Singh  
S/o Sh. Deep Chand  
Age 54 years  
Post-Mali  
No. 10036698  
Ward-41, GH-6, Paschim Vihar  
Rohini Zone
  33. Begraj Singh  
S/o Sh. Rattan Singh  
Age 52 years  
Post – Mali now LDC  
No.-10019219  
Hindurao Hospital, Malka Ganj, Near Tis Hazari Courts,  
Civil Line Zone, NDMC, New Delhi.
  34. Devi Ram Sharma  
S/o Sh. Vashu Dev  
Age 52 years  
Post-Mali now Supervisor  
Ward-41, Gh-6, Paschim Vihar  
Rohini Zone
  35. Palni Appan  
S/o Sh. Woeevapuri  
Age 58 years,  
Post-Beldar  
No.10029648  
Ward-65 Wazirpur JJ Colony,  
Civil Line Zone, NDMC, Delhi
- ..... Applicants

(By Advocate : 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 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/