

**Central Administrative Tribunal
Principal Bench**

OA No.3622/2015

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. 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. Lili 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 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/