

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 3623/2014

New Delhi, this the 1st day of December, 2015

**HON'BLE MR. JUSTICE SYED RAFAT ALAM, CHAIRMAN
HON'BLE MR. P.K. BASU, MEMBER (A)**

1. Lekhi Ram (Mali) age 54 years,
S/o Shri Banwai Lal,
R/o NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.
2. Brahm Pal (Mali) age 55 years
S/o Shri Nakali Singh
R/o NDMC, Prashant Vihar, Nursery,
Sector- 14, Rohini, Delhi
3. Chhitu Lal (Mali) age 59 years
S/o Shri Ram Harak
R/o NDMC, Prashant Vihar, Nursery,
Sector- 14, Rohini, Delhi
4. Shakuntala (Mali) age 55 years
W/o Shri Hari Singh
R/o NDMC, Ambedkhar Park, Mangolpuri,
Ward No. 47, Delhi- 83
5. Jaswant Singh Yadav (Mali) age 58 years
S/o Late Shri Rattan Singh Yadav
R/o NDMC, Ward No. 44, Haidarpur Hospital,
Rohini, Delhi
6. Mool Chand (Mali) age 58 years
S/o Shri Bhup Singh
R/o NDMC, Block – D,
Vivek Vihar, Delhi -96
7. Lalit Kumar (Mali) age 55 years
S/o Shri Raghuvir Singh
R/o NDMC, KD,
Block Pritampura, Delhi.

8. Hira Lal (Mali) age 53 years
S/o Shri Rikha
R/o NDMC, Prashant Vihar,
Nursery, Sector- 14,
Rohini, Delhi
9. Sube (Mali) age ... years
S/o Shri Surte
R/o NDMC, Prashant Vihar,
Nursery, Sector- 14,
Rohini, Delhi
10. Balbir Singh, (Mali) age 59 years
S/o Late Shri Puran Singh
R/o NDMC, Ward No. 97, Ramesh Nagar,
Karol Bagh North Zone,
New Delhi.
11. Onmkar Singh, (Mali) age 53 years
S/o Shri Nakali Singh
SDMC, Hort. Najafgarh Zone,
Najafgarh Nursery,
Delhi.
12. Pyare Lal, (Mali) age 50 years
S/o Shri Pooran Chand
NDMC, Q.V. Block, Pitampura
Ward No.44, Rohini, New Delhi.
13. Shiv Narayan, (Mali) age 59 years
S/o Shri Lakhat
NDMC, Q.V. Block,
Hort. Rohini Zone, Delhi.
14. Mani, (Mali) age 54 years
S/o Pharumal
NDMC, CPR Mangolpuri ,
Ward No. 48, Delhi-83.
15. Dhani Ram, (Mali) age 54 years
S/o Shri Bamathu
NDMC, Q. V. Block,
Pitampura, Rohini, Delhi.

16. Shri Chand, (Mali) age 54 years
S/o Shri Rattan Lal
NDMC, C Block Shalimar Bagh,
Ward No. 45,
Rohini, Delhi-88.
17. Sultan Singh, (Mali) age 52 years
S/o Shri Gopal Singh
NDMC, Q. V. Block, Pitampura,
Rohini, Delhi.
18. Nand Lal, (Mali) age 58 years
S/o Shri Bhanthto
NDMC, Q.B. Block, Pitampura,
Rohini, Delhi
19. Ram Kishan, (Chowkidar) age 54 years
S/o Shri Daya Ram,
NDMC, Q. V. Block, Pitampura,
Ward No. 44, Delhi.
20. Shri Krishan, (Mali) age 59 years
S/o Shri Mangrelal
NDMC, Q. V. Block, Pitampura,
Rohini, Delhi
21. Ater Singh, (Mali) age 54 years
S/o Shri Kanchhid
NDMC, Vaishali Watika, Pitampura,
Ward No. 43, Rohini, Delhi.
22. Prasadi Lal, (Mali) age 60 years
S/o Shri Narayan Singh
SDMC (Saket), South Zone,
PVR Saket Nursery, New Delhi
23. Prem Singh, age 60 years
S/o Shri Ram Prasad
SDMC, South Zone,
Green Park, Lado Sarai,
Ward No. 169, New Delhi.

24. Smt. Anaro, (Mali) age 58 years
W/o Shri Tejram
SDMC, South Zone, Green Park,
Saket, Ward No. 169, New Delhi
25. Hazari Lal, (Mali) age 54 years
S/o Shri Ram Singh
SDMC, South Zone, Green Park,
PVR Saket Nursery, New Delhi.
26. Umar Md. , (Mali) age 52 years
S/o Shri Chhidda Khan
SDMC, South Zone, Green Park, Saket,
PVR Saket Nursery, New Delhi.
27. Tulsi Ram, (Mali) age 58 years
S/o Shri Bhura Ram
SDMC, South Zone, Green Park, Saket,
PVR Saket Nursery, New Delhi.
28. Kartar Singh, (Mali) age 54 years
S/o Shri Roop Chand
SDMC, South Zone, Green Park,
Jahazmahal Ward-176, Delhi.
29. Kiran Pal, (Mali) age 55 years
S/o Shri Devi Singh
SDMC, South Zone, Green Park,
Fatehpurberi W- 176, Delhi.
30. Firtu Ram, (Mali) age 59 years
S/o Shri Ram Lotan
SDMC, South Zone, Green Park,
Saket W- 169, Delhi.
31. Jai Lal, (Mali) age 57 years
S/o Shri Goverdhan
SDMC, South Zone, Green Park,
Saket W-169, New Delhi.
32. Bijender, (Mali) age 54 years
S/o Shri Khem Chand

NDMC, Gandhi Vihar,
Civil Line Zone, Delhi.

33. Balbeer Singh, (Mali) age 52 years
S/o Shri Mouji Ram
NDMC, S. V. Block,
Pitampura, Delhi-88.
34. Ram Prasad, (Mali) age 57 years
S/o Shri Mool Chand
SDMC, South Zone,
Green Park, New Delhi.
35. Kalu Ram, (Mali) age 58 years
S/o Shri Banwari Lal
NDMC, Ward no. 47, Paschim Vihar,
Rohini Zone, New Delhi.
36. Ram Naresh , (Mali) age 54 years
S/o Shri Lala Ram
NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.
37. Mam Chand, (Mali) age 52 years
S/o Shri Kanti Prasad
NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.
38. Sohan Pal, (Mali) age 59 years
S/o Shri Bhajan Lal
NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.
39. Mam Chand, (Mali) age 51 years
S/o Shri Phool Singh
SDMC, Ward No. 104, Paschimpuri
West Zone, New Delhi.
40. Lal Chand, (Mali) age 56 years
S/o Shri Nathu Ram
R/o NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.

41. Hari Prasad, (Mali) age 57 years
S/o Shri Tribibhan Mishra
NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.
42. Dhan Singh, (Mali) age 59 years
S/o Shri Bhayram
NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi
43. Jaipal, (Mali) age 59 years
S/o Shri Jage Ram
NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.
44. Bijender , (Mali) age 55 years
S/o Shri Gopi
NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.
45. Barkhoo, (Mali) age 56 years
S/o Shri Manpher
NDMC, Ward No. 48, Paschim Vihar,
Rohini Zone, New Delhi
46. Maiku Lal, (Mali) age 54 years
S/o Shri Mohan Lal
NDMC, Prashant Vihar, Nursery, Sec-14,
Rohini, Delhi.
47. Ghanshyam, (Mali) age 58 years
S/o Shri Munna Lal
NDMC, Ward No. 48, Paschim Vihar,
Rohini Zone, New Delhi
48. Muniappan, (Mali) age 58 years
S/o Shri Mutuswami
NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.
49. Suresh Pal , (Mali) age 55 years
S/o Shri Malkhan Singh

NDMC, Ward No. 47, Paschim Vihar,
Rohini Zone, New Delhi.

50. Laxmi Prasad, (Mali) age 57 years
S/o Shri Kalu Ram
SDMC, Ward No. 125, West Zone,
Uttam Nagar, New Delhi.
51. Kamla Devi, (Coolie) age 52 years
S/o Shri Fatte Singh
SDMC, Ward No. 104, JJ Colony,
Madipur, West Zone, Delhi-63.
52. Brij Lal, (Mali) age 52 years
S/o Shri Pratap Singh
SDMC, Ward No. 104, JJ Colony,
Madipur, West Zone, Delhi-63.
53. Hira Lal, (Mali) age 55 years
S/o Shri Leela Ram
SDMC, Ward No. 104, Pocket -3,
Paschimpuri, New Delhi-63.
54. Moti Lal , (Chaudhary) age 50 years
S/o Shri Tej Pal Singh
SDMC, South Zone,
Green Park, Lado Sarai, New Delhi
55. Vishnu Sharma, (Mali) age 49 years
S/o Shri Lekhnath Sharma
NDMC, B-3 Block, Paschim Vihar,
Rohini Zone, Ward No. 57, New Delhi.
56. Surender Singh, (Mali) age 56 years
S/o Shri Chandan Singh
NDMC, B- 3 Block, Paschim Vihar,
Rohini Zone, Ward No. 57, New Delhi.
57. Ram Pal Singh , (Mali) age 50 years
S/o Shri Ram Singh
NDMC, Dingra Park, Punjabi Bagh,
Karol Bagh Zone, New Delhi.

58. Shanmugam age 58 years
S/o Shri Karpan,
NDMC, Paschim Vihar, Ward No. 57,
Rohini Zone, Delhi.
59. Chaman Singh (Chowkidar) age 57 years
S/o Shri Kamal Singh
EDMC, Hort. Deptt. Shahadra
North Zone, Delhi.
60. Harish Chand (Chowkidar) age 54 years
S/o Shri Shiv Dayal
NDMC, MCD Hort. Zonal Office,
Sec. V Rohini OV Block,
Pitampura, Rohini Delhi.
61. Dalvir (Chowkidar) age 57 years
S/o Shri Risal Singh,
EDMC, Shahadra North Zone, Delhi.
62. Om Prakash, (Chowkidar) age 53 years
S/o Shri Amar Singh
SDMC, Horticulture Office,
West Zone Tilak Nagar,
New Delhi.
63. Mahender Singh, (Chowkidar) age 54 years
S/o Shri Chander Mal
NDMC, Civil Line Zone,
Roshanara Bagh, Ghantaghar, New Delhi.
64. G. Mannu Swami (Chowkidar) age 54 years
S/o Shri Govind Swami
NDMC, Office of the Deputy Director
(Horticulture Department), Civil Line Zone 16,
Rajpura Road, Delhi.
65. Giri Prasad, (Chowkidar) age 57 years
S/o Shri Durga Prasad
SDMC, Rajouri Garden,
Bindra Park, West Zone,
Delhi.

66. Rajkumar, (Chowkidar) age 53 years
S/o Shri Tikka Ram
SDMC, Rajouri Garden,
Bindra Park, West Zone, Delhi
67. Krishan Pal (Chowkidar) age 51 years
S/o Shri Raghbir
SDMC, Ward No. 104, Pocket-3,
Paschimpuri West Zone,
New Delhi.
68. Ranvir Singh, (Chowkidar) age 49 years
S/o Shri Amiran,
NDMC, Dingra Park, Punjabi Bagh,
Karol Bagh Zone, New Delhi.
69. Jagdish, (Chowkidar) age 56 years
S/o Shri Sunder Lal
B-3 Block, Pashchim Vihar Rohini Zone,
Ward No. 57, New Delhi.
70. Bhopal Singh, (Pump Operator) age 58 years
S/o Shri Fate Singh
EDMC, Ward No. 253
(Saradar Patel Park),
Gawadi, Shahadara North Zone, Delhi.
71. Hari Kishan (Mali) (Retd.) age 65 years
S/o Shri Phool Singh
WZ-233 , Naruyana Village,
New Delhi-110028.
72. Shib Murat (Retd.) age 61 years
S/o Shri Mahadev
EDMC, Shahdara South Zone, Delhi
H.No.R-35, Welcome, Silampur,
Delhi-93.
73. Ajit Singh, (Mali) (Retd.) age 61 years
S/o Chandgi Ram
H. No. ZW-7, Khyala Village,
New Delhi.

74. Baljeet Singh, (Mali) (Retd.) age 61 years
S/o Shri Choturam,
Village & Post Tikri Kalan,
Near Shahid Bhagat Singh Park,
Kalan Panna Saini Mohalla,
Tikri Kalan, Delhi-41.
75. Jagdish, (Mali) (Retd.) age 60 years
S/o Shri Rupan ,
Village & Post office Ranikheda,
Near Dispensary Road, Delhi-81.
76. Manohar Lal, (Mali) age 61 years
S/o Shri Govind Ram
C-214/15, Uttam Nagar,
Hastal Colony , New Delhi.
77. Mahipal Singh (Mali) age 63 years
S/o Shri Mahinder Singh,
House No. B-143, Mange Ram Pal,
Sector-23, Delhi -83.
78. Kazod Ram (Mali) age 62 years
S/o Shri Narayan Lal,
A-141, Madhipur Colony, New Delhi.
79. Ram Saroop (Mali) age 62 years
S/o Late Shri Kana Ram,
B-324, Madipur Colony,
New Delhi.
80. Late Rishi Pal (Chowkidar) (deceased)
S/o Shri Jyoti Ram,
Through Mrs. Balesh
W/o Late Sh. Rishi Pal
Village & Post Office Jiwana,
Distt.-Baghpat, U.P.-250623.
81. Sahab Singh (Mali) (deceased)
Through Mrs. Santosh Devi
W/o Late Sh. Sahab Singh
H. No. 886, Jiwan Park,
18 Gali, Delhi-42

82. Maran (Mali) (deceased)
 S/o Sh. Munian
 Through Mrs. Salma
 W/o Late Sh. Maran
 A-93, Second Floor, Krishan Vihar,
 Delhi-86. ...Applicants

(By Advocate : Mrs. Rekha Palli, Sr. Advocate with
 Ms. Shruti Munjal)

VERSUS

1. North Delhi Municipal Corporation,
 Through Commissioner,
 Dr. S.P. Mukherjee Civic Center,
 J L Nehru Marg, Minto Road,
 New Delhi-110002.
2. East Delhi Municipal Corporation
 Through Commissioner,
 Dr. S.P. Mukherjee Civic Center,
 J. L. Nehru Marg, Minto Road,
 New Delhi-110002.
3. South Delhi Municipal Corporation,
 Through Commissioner,
 Dr. S. P. Mukherjee Civic Center,
 J. L. Nehru Marg, Minto Road,
 New Delhi-110002.
4. The Delhi Development Authority,
 Through its Chairman,
 Vikas Sadan, New Delhi. Respondents

(By Advocate : Shri Akshay Abrol for Shri Balendu Shekhar
 for R-1, Ms. Sangita Rai for R-2, Shri R.K. Jain
 for R-3 and Ms. Sriparna Chatterjee for R-4)

ORDER (ORAL)

By Hon'ble Mr. Justice Syed Rafat Alam

At the outset, learned counsels for the parties fairly
 submitted that the controversy has since been addressed by

the respondents as stated on their behalf through counsel, on instructions from the departmental representative, besides that identical OAs. No.3622/2015, 3621/2015 and 3619/2015 were disposed of vide order dated 30.09.2015. Therefore, following the same, this O.A. may also be disposed of in terms of the aforesaid orders.

2. The order dated 30.09.2015 passed in O.A. No.3622/2015 is quoted below:

“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 7 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.”

3. In the instant case, the applicants, who are 82 in number, were appointed as Malis, Coolies, Chaudhary, Chowkidars and Pump Operators under the respondent No.4, Delhi Development Authority, between the years 1976 and 1990, and were subsequently transferred to Municipal Corporation of Delhi (MCD), respondent Nos. 1 to 3, by different orders, with the stipulation that their tenure, remuneration and other terms and conditions of service would remain the same as were under the respondent No.4. Assured Career Progression (ACP) Scheme was introduced with effect from 09.08.1999 in both the organisations, i.e., DDA and MCD, and the benefit of first financial upgradation under ACP Scheme was given to the applicants vide different orders dated 23.08.2005, but they were placed in lower pay scale than their counter-parts who continued to work in DDA (respondent No.4). Therefore, the applicants claim the benefit of the ACP

Scheme equivalent to the employees of the respondent No.4, who are their batch-mates. They made representations in the year 2006 to grant them ACP benefit at par with their counterparts working under the respondent No.4. However, they were informed that their claim would be considered only after decision of the court cases filed by similarly placed employees. Some similarly placed employees working as Malis, Chowkidars and Pump Operators, aggrieved by the action of respondents 1 to 3, filed writ petitions before the Hon'ble High Court of Delhi in the year 2008, which were subsequently transferred to this Tribunal as TA Nos.931 and 933 of 2009. The aforesaid TAs were allowed by the Tribunal vide order dated 18.11.2009 with the direction to the respondents 1 to 3 to consider the cases of the applicants therein for grant of ACP benefit at par with the similar employees working under the respondent No.4. WP(C) No.2621 and 2671/2010 filed by the respondent-MCD against the order of the Tribunal was dismissed by the High Court of Delhi vide judgment dated 01.03.2012. SLP preferred against the aforesaid order was also dismissed by the Apex Court vide order dated 02.07.2013. The DDA Janwadi Mazdoor Union sent a representation through its President, one Virender Singh, to the Lt. Governor of Delhi on 09.10.2013 (Annexure A-8) seeking the enhanced ACP benefits to the employees of MCD, but the respondents have not taken any decision on the same. Hence, in view of

the order passed in OA No.3622/2015, extracted above, the applicants have filed this Application for issuance of a direction commanding the respondents 1 to 3 to pay the ACP benefit to them at par with the employees of respondent No.4, DDA, appointed along with the applicants, as they discharge similar duties and functions.

4. Learned counsel for the respondents also does not distinguish the order dated 30.09.2015 passed in OA No.3622/2015 either on facts or law. It is also not in dispute that the aforesaid representation for grant of same ACP benefits which have been extended to the employees of the respondent No.4, is pending consideration before the respondents 1 to 3, though more than a year has passed from the date of filing the representation. Therefore, we are of the view that once a demand is raised through representation, the respondents are required to examine and address the same by recording reasons.

5. In view of the above, and also following our order dated 30.09.2015 passed in OA No.3622/2015, we dispose of the present Application with the direction to the respondents to pass a reasoned order expeditiously, preferably within a period of three months from the date of production of certified copy of this order. However, it is made clear that we have not expressed any opinion on the merit of the issue, as, at the first

instance, it is required to be examined and disposed of by the respondents by recording reasons.

6. With the above directions, the Application stands disposed of, but without costs.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/Jyoti/