

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 3649/2015

New Delhi, this the 6th day of November, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

Jai Bhagwan Vashist,
S/o Late Shri Chandgi Ram,
Aged about 62 years,
R/o Village & P.O. Nilauthi,
District Jhajjar (Haryana)
Retired as PHI.

.. Applicant

(By Advocate : Ms. Pragnya Routray)

Versus

The Commissioner,
South Delhi Municipal Corporation,
Civic Centre,
Minto Road, New Delhi-110002.

.. Respondent

(By Advocate: Mrs. Anupama Bansal)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

The applicant, who was originally appointed as Vaccinator and retired from service as PHI, filed the O.A. being aggrieved by the action of the respondents vide Annexure A-1, Note dated 05.08.2015, whereunder the respondents have rejected the claim of the applicant on the sole ground that the applicant is not a party to the said case.

2. The case filed by certain identically placed persons, in the identical circumstances, attained finality vide the judgment of the

Hon'ble High Court of Delhi in WPC No.2259/2012 in **Narendra and Ors. vs. Municipal Corporation of Delhi**, dated 31.10.2014, (Annexure A-11) as under:

“32. Consequently, the CAT's impugned order cannot be sustained and is set aside. The Respondent is directed to designate the petitioners/applicants as PHIs, with the pay-scale of Rs.5000-8000, with all benefits of arrears of pay and allowances, on parity with that enjoyed by the other Vaccinators who have that benefit. The MCD is directed to issue consequential directions within eight weeks from today. The writ petition is allowed in the above terms along with the pending application without orders as to costs.”

3. Thereafter, this Tribunal disposed of another O.A. No.3783/2012 also filed by certain identically placed persons vide order dated 17.02.2015 (Annexure A-12) in terms of the aforesaid decision in **Narendra and Ors.** (supra).

4. Heard Ms. Pragnya Routray, learned counsel for the applicant and Shri R.K. Jain, learned counsel appearing on behalf of the respondents and perused the pleadings on record.

5. The learned counsel for the applicant mainly submits that the subject matter is squarely covered by the aforesaid decision of the Hon'ble High Court of Delhi in **Narendra & Ors.** and the respondents have complied with the said orders, however, rejected the claim of the applicant on the sole ground that the applicant is not a party to the said case. The learned counsel further submits that in view of the various decisions of the Hon'ble Supreme Court, once it is accepted that certain identical persons were granted

certain benefits, the same cannot be denied to other similarly placed persons. Accordingly, the learned counsel prays for allowing the O.A.

6. On the other hand, the learned counsel for the respondents submits that the facts in those cases and in the instant O.A. are different and, hence, the applicant is not entitled for the said benefit.

7. After careful perusal of the decision of the Hon'ble High Court in the case of **Narendra & Ors.**(supra) and the facts of the instant O.A., we agree with the submission made by the learned counsel for the applicant that the instant O.A. is also covered by the view expressed in the said judgment and the applicant is identically placed to the petitioners therein.

8. In the circumstances and for parity of reasons, the O.A. is allowed in terms of the Annexure A-8 judgment of the Hon'ble High Court of Delhi in WPC No.2259/2012 in **Narendra & Ors.** vs. **Municipal Corporation of Delhi**, dated 31.10.2014. The respondents are directed to issue the consequential fixation of pay, pension and payment of arrears orders within 90 days from the date of receipt of a copy of this order. No order as to costs.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

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