

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 3087/2016
MA No. 2727/2016

New Delhi this the 16th day of September, 2016

Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agarwal, Member (J)

1. Mukesh Chhikara (MTS),
Aged about 44 years,
S/o Sh. Satwant Singh,
R/o Vill-Tateser, Post-Jonti,
Delhi-110081.
2. Sheetal Prasad (MTS),
S/o Sh. Hardev,
R/o No.6, Naveen Shahdara,
Delhi-110032.
3. Krishan Mohan Sharma (MTS),
S/o Sh. B.K. Sharma,
R/o H.No.1/10790C, Gali No.2,
Subhash Park, Naveen Shahdara,
Delhi-110032.
4. Vijay Kumar Sharma (MTS),
S/o Sh. Lekhi Ram Sharma,
R/o 8/3A, Raj Gali, Babbarpur,
Shahdara, Delhi-110032.
5. Pradeep Kumar Shokeen (MTS),
S/o Sh. Ram Singh,
R/o H.No.474, Jat Mohalla,
Nangloi, Delhi-110041.
6. Kulbir Singh (MTS),
S/o Sh. Dharam Singh,
R/o H.No.104A, Main Paprawat Road,

Near Vishnu Mata Mandir, Prem Nagar,
Najafgarh, New Delhi.

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7. Ashok Kumar (MTS),
S/o Sh.Rajender Singh,
R/o H.No.211, Babu Jagjiwan Ram Colony,
Borgarh, Narela, Delhi-110040.
8. Mukesh Kumar (MTS),
Aged about 46 years,
S/o Sh.Raj Singh,
R/o C-98, Gali No.3,
Bhajan Pura, Delhi-110053.
9. Hari Om Sharma (MTS),
Aged about 40 years,
S/o Late Sh.Duli Chand Sharma,
R/o H.No.295, Vijay Nagar, Bawana,
Delhi-110039.
10. Bansi Dhar Bhatt (MTS),
Aged about 47 years,
S/o Late Sh.Shankar Dutt Bhatt,
R/o B-78/1, West Vinod Nagar,
Delhi-110092.
11. Jagpal Singh (MTS),
S/o Sh.Gulab Singh,
R/o H.No.196, A-Block, Kaushik Enclave,
Gali No.6, Delhi-110084.
12. Ratan Singh (MTS),
S/o Sh.Chandan Singh,
R/o C-3/47, Dayalpur,
Delhi-110094. ...Applicants.

(By Advocate: Shri M.K.Bhardwaj)

Versus

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Govt. of NCT of Delhi & Ors. through

1. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat, I.P.Estate,
New Delhi.
2. The Delhi State Industrial & Infrastructure
Development Corporation Limited
The Chairman,
N-36, Bombay Life Building,
Connaught Circus, New Delhi-110001.
3. The Managing Director,
The Delhi State Industrial & Infrastructure
Development Corporation Limited
The Chairman,
N-36, Bombay Life Building,
Connaught Circus, New Delhi-110001. ...Respondents.

(By Advocate:Ms.Eshita Baruah for Shri Gaurag Kanth)

O R D E R (ORAL)

Mr. P.K.Basu, Member (A):

Heard both the learned counsel. Learned counsel for the applicants states that the applicants in the present OA are regular Group "D" employees as the applicants in OA No.3760/2012 decided on 04.02.2014 and stand on the same footing. Therefore, the decision of the Tribunal in the said OA

should apply in their case also. It is not the contention of the learned counsel for the respondents that the applicants in OA No.3760/2012 and the applicants in the present OA are not

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similarly placed. Her contention, however, is that when the matter came up before the Hon'ble High Court of Delhi, the High Court while not interfering with the impugned order, took note of the fact that the respondents had regularized 11 out of 13 applicants, based on seniority and from the date of available vacancy and not from 07.09.2010.

2. Hon'ble High Court has upheld the order dated 04.02.2014 in OA 3760/2012. Order dated 04.02.2014 was passed by the Tribunal clearly directing that the respondents would regularise the applicants as AG-II as the applicants in TA No. 67/2009 had been regularized. This matter also came up before us in CP yesterday, which was disposed of by passing the following orders:

“5. On perusal of the order dated 19.01.2016, it is clear that the Hon’ble High Court had made it clear that the Hon’ble High Court was not interfering with the order of the CAT dated 04.02.2014. Learned counsel interpretation of the first sentence of the order to claim that Hon’ble High Court has accepted appointments of the applicants to the post of AG-III based on the seniority and vacancy and not from 07.09.2010 cannot be accepted at all. Hon’ble High Court has upheld the order dated 04.02.2014 in OA 3760/2012. Order dated 04.02.2014 was passed by the Tribunal clearly directing that the respondents would regularise the applicants as AG-II as the applicants in TA No. 67/2009 had been regularized.

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6. The order is yet not complied with. We allow the respondents 90 days’ time, from the receipt of a certified copy of this order to comply with the order of the Tribunal as a last opportunity.”

3. In view of above order, this OA is disposed of with a direction to the respondents to regularize the applicants as AG-II as the applicants in TA No.67/2009 had been regularized in compliance of order passed in OA No.3760/2012, within a period of three months from the date of receipt of a certified copy of this order. No costs.

(Dr.Brahm Avtar Agarwal)
Member (J)

(P.K.Basu)
Member (A)

/kdr/