

**Central Administrative Tribunal  
Principal Bench, New Delhi**

OA No.4148/2015

New Delhi, this the 17th day of November, 2015

**Hon'ble Mr. Shekhar Agarwal, Member (A)**

**Hon'ble Mr. Raj Vir Sharma, Member (J)**

1. Pawan Kumar Bansal  
S/o Sh. R.K. Bansal  
Age -36 years  
Post-Teacher,  
N.D.M.C. Primary School,  
Sector 16D/3 Rohini,  
Delhi-110089.
2. Aruna Negi  
W/o Vineet Negi  
Age 37 years  
Post-Teacher  
Nigam Pratibha Vidhyalaya,  
Sector 8, Rohini, Delhi.
3. Sunil Kumar  
S/o Sh. Ramdhari  
Age 35 years  
Post-Teacher  
N.D.M.C. Pry. School,  
Sector 16, Rohini,  
Delhi-110089.
4. Vinod Kumar  
S/o Sh. Ramphool  
Age-36 years  
Post-Teacher  
M.C. Primary School,  
Rajpark 1<sup>st</sup>, Sultanpuri, Rohini.
5. Seema Bajaj  
W/o Sh. Amit Bajaj  
Age 36 years  
Post-Teacher  
Nigam Pratibha Vidhyalaya,  
Sector 8, Rohini, Delhi.
6. Sangeeta Makhija  
W/o Sh. Sanjay Thakural,  
D/o Sh. Kailash Chander,  
Aged 37 years, Post -Teacher, N.D.M.C. School  
Sector 21 (1), Rohini, Delhi-110085.

7. Archnana Sharma  
W/o Sh. Parveen Kumar,  
D/o B.S. Sharma  
Aged 38 Years  
Post- Teacher  
N.D.M.C. School, Sector-3 Rohini
8. Poonam Gupta  
W/o Sh.Sudhanshu,  
D/o sh.Shri Bhagwan,  
Aged 35 years  
Post- Teacher  
NigamPratibha Vidhyalaya Girls  
Haiderpur, Delhi-110088
9. Neeru Anand  
W/o sh. Deepak Anand,  
D/o sh. Ram Prakssh Bajaj  
Aged 39 Years  
Post –Teacher  
N.D. M.C.School,  
J.J. Haiderpur, Delhi-110088
10. Hemlata  
W/o Sh. Ashwani Kumar  
D/o Sh. Suraj Prakash  
Aged 40 Years  
Post –Teacher  
N.D. M.C.School,  
J.J. Haiderpur, Delhi-110088
11. Satish  
S/o Sh. Srikishan  
Aged 45 Years  
Post –Teacher  
N.D. M.C. Girls School,  
Kirari Suleman Nagar-1,  
Rohini Zone Delhi-110086
12. Babita Malik  
W/o Sh. Parveen Kumar Rana  
D/o Sh. Ishwar Singh Malik  
Age 35 years  
Post –Teacher  
N.D.M.C. School, Sector 15 F, Rohini Zone,
13. Savita  
W/o Sh. Sandeep Mann  
Do Shj. Attar Singh Dabas,  
Aged 37 years  
Post – Teacher  
M.C.Pry.Girls School,  
Holambi Khurd, Narela Zone.

14. Mukesh Kumar Meena  
S/o Sh. Harpal Meena, Age -37 years  
Post – Teacher, M.C. Pry School (Boys),  
Jharoda Mazra-II, Burari, Delhi 84.
15. Narender  
S/o Sh. Ishwar Singh  
Aged 37 years  
Post- Teacher  
M.C. Pry School (Girls New)  
J.J. Sawda, I Block, New Delhi 81.
16. Mukesh,  
S/o Sh. Lkhiram  
Aged 41 years  
Post- Teacher  
M.C. Primary School  
Sawda, Delhi-81
17. Vinod Kumar  
S/o Bijender Singh  
Aged 38 years  
Post- Teacher  
N.D.M.C. School  
Sawda I Block, Narela Zone
18. Sunil Kumar  
S/o Sh. Krishan Chander  
Aged 35 years  
Post –Teacher  
M.C. Pry. School (Co-ed.)  
Hiran Kudna, Narela Zone, Delhi-11
19. Amita  
W/o Sh. Lalita Sharma  
D/oSh.Rajender Singh  
Aged 35 years  
Post – Teacher  
N.D.M.C. Pratibha vidhalaya,  
Rani Bagh ( Girls), Delhi-110034.
20. Shalini Ahuja  
W/o sh. Rajiv Ahuja  
D/o Y. R. Mendiratta,  
Age – 35 years  
Post – Teacher  
N.D.M.C. Pratibha Vidhyalaya  
Rani Bagh (Girls) Delhi-110034.
21. Anumeha Spru,  
W/o Satprakash Spru,  
D/o Sh. Prakash Chand Sethi,  
Age 37 years  
Post –Teacher  
N.D.M.C. Co-ed School  
Sector-18 Rohini Delhi-110085.

22. Kirti,  
W/o Sh. Mukesh Kumar  
D/o sh. Rajkumar  
Age 39 years  
Post Teacher  
M.C. Primary School  
Sector-25, Rohini Delhi.
23. Rajender Singh  
S/o Jai Narayan  
Aged- 39 Years  
Post- Teacher  
M.C. School  
Desu Colony, Narela, Delhi-110040.
24. Pooja Rani  
W/o sh. Vipin Gandhi  
D/o Sh. Laghu Ram  
Age 39 years  
Post- Teacher  
Nigam Pratibha School, Rani Bagh  
New Delhi-110034
25. Saroj Rani,  
W/o Sh. Yogesnder Singh  
D/o sh. Jai Singh Dhiya  
Age 45 years  
Post Teacher  
M.C.Primary School  
Sector-7 B, Rohini, Delhi-110089
26. Monika Arora  
W/o Sh. Sameer Arora  
D/o Sh. R.K.Khurana,  
Age 38 years  
Post – Teacher  
E.D.M.C.Primary School  
Shakarpur Ext. -1,  
Delhi-110092.

....Applicants.

(By Advocate: Mr.H.D. Sharma proxy for Mr. Anubha Bhardwaj)

### **Versus**

1. North Delhi Municipal Corporation  
Through its Commisioner North  
Civic Center, New Delhi.
2. South Delhi Municipal Corporation  
Through its Commissioner  
Civic Center, New Delhi.

3. East Delhi Municipal Corporation  
Through its Commissioner  
Udyog Bhawan  
Patpar Ganj, Industrial Area, Delhi.
  
4. Delhi Subordinate Services Selection Board  
Through its Secretary  
Govt. of NCT of Delhi.  
3<sup>rd</sup> Floor NCT of Delhi.  
Vishwas Nagar, Shahdara, Delhi-110032 .. Respondents

### **ORDER (ORAL)**

**By Mr. Shekhar Agarwal, Member (A):-**

This OA has been filed seeking the following relief:-

“It is, therefore, most respectfully prayed that the Hon’ble Tribunal may graciously be pleased to issue directions for granting the applicants notional seniority, notional fixation of pay along with any other incidental and consequential benefits as may be deemed fit, proper and appropriate benefits in the facts of above captioned case and may issue such other direction as may be deemed fit and appropriate in the facts of the case.”

2. Learned counsel for the applicants argued that this case is squarely covered by the judgment of this Tribunal passed in OA No. 924/2013, the operative part of which reads as under:-

“10. In the circumstances, and in view of the fact that the applicants are similarly situated like the applicants in OA No.1795/2011 and OA No.229/2013, the OA No.924/2013 is allowed. The respondents are directed to grant notional seniority to the applicants as per their respective positions in the merit list prepared by the DSSSB in the year 2002. They shall also be given appointments on notional basis from the date the first General Category candidate has joined duty. Consequently, they will be entitled for notional increments and fixation of pay and other benefits like GPF, Pension, etc. as admissible to their batch mates, belonging to the Unreserved category. However, they are not entitled for any arrears of pay. The respondents shall pass appropriate orders in this regard within two months from the date of receipt of a copy of this order. No order as to costs.”

3. Learned counsel for the applicants further submits that this case is also squarely covered by the judgment dated 12.8.2012 passed in

OA No.1795/2011, the operative part of which reads under:-

"In the above facts and circumstances of the case, we allow this OA with the direction to the respondents to grant notional seniority to the applicant as per their respective positions in the merit list prepared by the DSSSB in the year 2002. They shall also be given appointments on notional basis from the dates the first general category official has joined duty. Consequently, they will be entitled for notional increments and fixation of pay and other benefits like GPF, Pension, etc. as admissible to their batch mates belonging to the unreserved category. The respondents shall pass appropriate orders in this regard within two months from the date of receipt of a copy of this order. There shall be no order as to costs."

4. He prays for grant of the same relief as has been granted to the applicants of the aforesaid OAs. Accordingly, this OA is disposed of at the admission stage itself without issuing notice to the respondents and without going into the merits of the case with a direction to the respondents to consider the case of the applicants in the light of aforesaid judgments and in case they are found to be covered by them, then extend the same benefits to the applicants. This exercise shall be completed by them within 90 days from the date of receipt of a copy of this order. The respondents shall communicate their decision to the applicants by means of a reasoned and speaking order.

**( Raj Vir Sharma )**  
**Member (J)**

**( Mr. Shekhar Agarwal )**  
**Member (A)**

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