

**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. Primary School,
Sector 16, Rohini,
Delhi-110089.
4. Vinod Kumar
S/o Sh. Ramphool
Age-36 years
Post-Teacher
M.C. Primary School,
Rajpark 1st, 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. Srikanth
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/o Sh. 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 Spra,
W/o Satprakash Spra,
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.
3rd 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)