

**Central Administrative Tribunal
Principal Bench**

OA No.4257/2018

New Delhi, this the 19th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

P. S. Jain
Aged 78 years
Senior Citizen, Group 'A',
Flat No.153, Suraksha Enclave,
Pitampura,
Delhi 110 034.

.... Applicant.

(By Advocate : Shri Surinder Kumar Bhasin)

Vs.

New Delhi Municipal Council & Others

1. The Secretary
New Delhi Municipal Council
Palika Kendra, Sansad Marg,
New Delhi 110 001.
2. Chairman, NDMC
3rd Floor, Palika Kendra,
Sansad Marg,
New Delhi 110 001.

.... Respondents.

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant joined the service of New Delhi Municipal Council (for short, NDMC), on muster roll basis. It is stated that in 1959, he was made Shift incharge, and the DPC considered his case in the year 1987 for appointment/promotion as Assistant Executive Engineer. He retired from service in the year 2000. Recently, that is in

the year 2017-2018, he made a representation, stating that on completion of ten years of service from 1987, he was entitled to be granted the benefit of financial upgradation. This OA is filed with a prayer to direct the respondents to extend the benefit of Time Bound Promotional Scale to the applicant.

2. We heard Shri Surinder Kumar Bhasin, learned counsel for the applicant at length at the stage of admission itself.

3. The relief claimed in this OA is the one for extension of Time Bound Promotional Scale. By its very nature, the extension of the benefit needs consideration by a Screening Committee to determine the eligibility. Notwithstanding the fact that the applicant made a representation more than 15 years after his retirement, the respondents informed him that he was not entitled to be extended any benefit since his appointment in 1987 was only on ad hoc basis. The applicant is not able to demonstrate that his appointment was on regular basis. The applicant did not raise any plea while he was in service.

4. Reliance is placed upon the judgment of Hon'ble Supreme Court in ***Union of India & Ors. vs. Tarsem Singh*** Civil Appeal No.5151-5152/2018 decided on

13.08.2008. That was a case in which there was no dispute as to the wrongful fixation of the emoluments. In the instant case, the question of consideration of the eligibility of the applicant for being extended, the Time Bound Promotional Scheme is involved. Further, the applicant is not able to demonstrate that his appointment was regular in nature.

5. We do not find any merit in the OA. It is accordingly dismissed.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/