

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

**OA-3521/2016**

**Reserved on : 20.09.2018.**

**Pronounced on : 27.09.2018.**

**Hon'ble Ms. Praveen Mahajan, Member (A)**

Sh. Madhukar Rao, 63 years  
S/o Late Sh. Babu Rao,  
Ex.Librarian HMPL,  
R/o C-323, DDA LIG Flats,  
Near Sunil Dairy,  
Opp. CNG Pump,  
East Loni Road, Shahdara,  
Delhi-110 093.

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Applicant

(through Sh. Rajeev Sharma, Advocate)

Versus

1. Commissioner,  
North Delhi Municipal Corporation,  
4<sup>th</sup> Floor, Civic Centre,  
JLN Marg, New Delhi-110 002.
2. Hardayal Municipal Public Library,  
Gandhi Ground, Chandni Chowk,  
Delhi-110 006.  
Through: Its Hony. Secretary.
3. The Mayor,  
Ex. Officio President of  
Hardayal Municipal Public Library,  
Managing Committee, North DMC,  
3<sup>rd</sup> Floor, Civic Centre, JLN Marg,  
New Delhi-110 002.
4. Director,  
Community Services Department,  
North Delhi Municipal Corporation,  
11<sup>th</sup> Floor, Civic Centre, JLN Marg,

New Delhi-110 002.

..... Respondents

(through Sh. Amit Sinha and Sh. Manjeet Singh Reen, Advocates)

### **ORDER**

Briefly stated, the facts of the current O.A. are that the applicant was appointed as Typist on 01.01.1973 with the respondents. On 19.11.1978, he was promoted as Jr. Librarian-cum-Accountant. The applicant obtained certificate course in Library in 1976, Post Graduate Diploma in Library in 1978 and Degree in Library in 1998. He was further promoted and joined as Asstt. Librarian-cum-Accountant on 11.12.1982 and as a Librarian on 01.01.1998. On attaining the age of superannuation, he retired on 30.09.2013.

2. In the O.A., the applicant has stated that Hardayal Public Municipal Library has been 100% funded by erstwhile Municipal Corporation of Delhi. After trifurcation in 2012, funding and control of the library has been fixed as per the territorial limit of three Corporations which have come into existence in 2012. Hardayal Public Municipal Library falls within the territorial jurisdiction of North DMC. At the time of retirement on 30.09.2013, the respondents wrongly deducted Rs.8754/- from Dearness Allowance and Rs. 1,13,903/- from the Contributed Provident Fund of the applicant. Secondly, at the time of retirement, applicant was in the pay scale

of Rs.15600-39100 (GP Rs.6600) and the last pay drawn by the applicant was Rs.77915/-.

3. The applicant was granted extension as Librarian and he joined on 03.10.2013 with a salary of Rs.55,108/-. His period was extended upto 02.07.2014. The applicant submits that his salary for the period from 03.10.2013 to 02.07.2014 amounting to Rs. 4,24,332/- has not been paid to him. In this regard, the applicant made a representation dated 03.07.2014, but the same has not been replied to by the respondents. In an information sought under RTI, the respondents have accepted that Rs.1,22,957/- has been wrongly deducted. Apart from payment of salary of Rs.4,24,332/-, the applicant was entitled for payment of Rs.1,90,546.83 against CPF. This includes principle amount of Rs.88,222/- and interest of Rs.94,492/- for the period 01.04.2012 to 31.03.2012 and Rs.55,499/- for the period 01.04.2013 to 31.03.2014. This totals upto Rs.2,38,213/-. The respondents have paid Rs. 47,666.17 to the applicant on 08.02.2016. Accordingly, the amount still due to the applicant is Rs.1,90,546.83. He has also been paid Rs.34,270/- on 02.12.2015 in respect of leave encashment, Rs.2787/- on 02.12.2015 in respect of arrears of dearness allowance and Rs.51405/- on 02.12.2015 in respect of gratuity.

4. Aggrieved, this O.A. has been filed seeking the following reliefs:-

“(a) to issue direction to the respondent to make payment of the salary for the period 3.10.2013 to 2.7.2014, total Rs. 4,24,322/-.

(b) To issue direction to the respondent to make payment of Rs.1,90,557/- towards the balance of CPF.

(c) To issue direction to the respondent to pay interest @24% per annum to the applicant upon the aforesaid amount.”

5. I have heard the learned counsel for the parties and perused the record. I find that the issue raised in the current O.A. is squarely covered by the decision of this Tribunal in **OA-3374/2017** (Smt. Sudha Tandon & Ors. Vs. MCD & Ors.) dated 27.08.2018 with connected OAs. For parity of reasons, I dismiss this O.A. for want of jurisdiction. However, this order shall not preclude the applicant from approaching a competent court of law, if he is so advised, in accordance with law. No costs.

**(Praveen Mahajan)**  
**Member (A)**

/Vinita/