

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 3374/2017

M.A. No. 3584/2017

With

O.A. No. 831/2018

O.A. No. 3450/2017

O.A. No. 4325/2017

M.A. No. 4484/2017

and

O.A. No. 4153/2017

M.A. No. 4350/2017

Reserved on :16.08.2018

Pronounced on:27.08.2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

OA No.3374/2017

1. Smt. Sudha Tandon
W/o Shri S.K. Tandon
Age: 57 years, DOB: 18.11.1960
R/o 206, Sant Nagar,
East of Kailash,
New Delhi-110065
Presently working as Asst. Librarian,
Hardayal Municipal Public Library,
Gandhi Ground, Chandi Chowwk,
Delhi-110006.
2. Smt. Gurmeet Kaur
W/o Late Shri Balbir Singh
Age: 53 years, DOB: 10.04.1964
R/o J-7A, Ganga Ram Vatika,
2nd Floor, Near Raj Cinema,
Tilak Nagar,
New Delhi-110018
Working as Senior Library Assistant,
Hardayal Municipal Public Library,

Gandhi Ground, Chandi Chowk, Delhi-110006.

3. Smt. Sunita Bhardwaj
W/o Shri Rajesh Bhardwaj
Age: 50 years, DOB: 01.07.1967
R/o C-1/193, Yamuna Vihar,
Delhi-110053
Working as Technical Assistant,
Hardayal Municipal Public Library,
Gandhi Ground, Chandni Chowk,
Delhi-110006.

4. Shri Ashok Chaudhary
S/o Shri Jage Ram
Age: 48 years, DOB: 17.01.1969
R/o V&PO: Kaithal, The. Gohana,
District Sonapat (Haryana)
Working as Technical Assistant,
Hardayal Municipal Public Library,
Gandhi Ground, Chandi Chowk,
Delhi-110006.

.....Applicants

(By Advocate : Shri R.V. Sinha with Shri Vaibhav Pratap Singh)

Versus

1. Hardayal Municipal Public Library,
Through its Secretary,
Gandhi Ground, Chandni Chowk,
Delhi-110006.
2. North Delhi Municipal Corporation
Through its Commissioner/Mayor,
Civic Centre, Dr. S.P. Marg,
New Delhi.
3. South Delhi Municipal Corporation
Through its Commissioner/Mayor,
Civic Centre, Dr. S.P. Marg,
New Delhi.

.. Respondents

(By Advocate : Shri Rohit Sehrawat for Shri R.K. Jain for R-1 & 3,
Shri Manjeet Singh Reen for R-2)

OA No.831/2018

Ms. Rajni Kumar
 D/o Late Suraj Prakash
 R/o QU-256C, (LIG Flats)
 Pitampura, Delhi-110034.
 Age about 59 years,
 Working as Technical Assistant/
 Library Incharge (Group 'C')
 At Hardayal Municipal Public Library,
 Gandhi Ground, Chandni Chowk,
 Delh-110006.

.. Applicant

(By Advocate: Shri Yogesh Kumar Mahur)

Versus

1. Hardayal Municipal Public Library,
 Through its Secretary,
 Gandhi Ground, Chandni Chowk,
 Delhi-110006.
2. North Delhi Municipal Corporation
 Through its Commissioner/Mayor,
 Civic Centre, Dr. S.P. Marg,
 New Delhi.
3. South Delhi Municipal Corporation
 Through its Commissioner/Mayor,
 Civic Centre, Dr. S.P. Marg,
 New Delhi.

.. Respondents

(By Advocate : Shri Rohit Sehrawat for Shri R.K. Jain for R-3,
 Shri Manjeet Singh Reen for R-2)

OA No.3450/2017

Smt. Anita Gupta
 W/o Shri Pawan Gupta
 R/o G-13A, Naveen Shahdara,
 Delhi-110032
 Presently working as Acting Librarian,
 Hardayal Municipal Public Library,
 Gandhi Ground, Chandi Chowwk,
 Delh-110006.

.. Applicant

(By Advocate: Shri R.V. Sinha with Shri Vaibhav Pratap Singh)

Versus

1. Hardayal Municipal Public Library,
Gandhi Ground, Chandni Chowk,
Delhi-110006
(Through: Hony Secretary)
2. The Managing Committee of
Hardayal Municipal Public Library,
Gandhi Ground, Chandni Chowk,
Delhi-110006
(Through: Hony Secretary)
3. North Delhi Municipal Corporation,
Dr. S.P. M. Civic Centre,
J.L.N. Marg, New Delhi-110002
(Through: The Commissioner)

.. Respondents

(By Advocate : Shri Rohit Sehrawat for Shri R.K. Jain for R-1& 2,
Shri Manjeet Singh Reen for R-3)

O.A. No.4325/2017

1. Ms. Priya Sandhu
W/o Shri G.C. Sandhu
R/o House No.1/627, Gali No.11,
Nehru Vihar, Delhi-110094
Age about 57 years,
Working as Junior Librarian (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006 (Presently at Br.No.4, Tri Nagar).
2. Gaurav Sharma,
S/o Shri N.K. Sharma,
R/o 864, Gali Beri Wali,
Sita Ram Bazar, Delhi-110006
Age about 31 years,
Working as Computer Operator (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006.
3. Vishal Phull,
S/o Late Shri B.B. Phull,
R/o J-32, Second Floor,

West Patel Nagar,
New Delhi-110008
Age about 33 years
Working as Sr. Library Attendant (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006

4. Om Prakash Prajapati,
S/o Shri Banwari Lal,
R/o RZC-1/86, Nihal Vihar,
Nangloi, Delhi-110041
Age about 47 years,
Working as Computer Operator (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006 (Presently at Br.21, Sec 8, Rohini)
5. Deepak Vashisht
S/o Shri S.N. Vashisht,
R/o A-3/8, Sector-11, Rohini,
Delhi-110085
Age about 34 years
Working as Counter Clerk (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006.
6. Shammi Kapoor,
S/o Shri O.P. Kapoor,
R/o D-226, First Floor,
Jhilmil Colony, Shahdara,
Delhi-110095
Age about 55 years
Working as Sr. Library Attendant (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006.
7. Om Prakash Dagar,
S/o Late Narayan Singh,
R/o 245, Ujwa South West,
Delhi-110073
Age about 51 years
Working as Sr. Library Attendant (Group 'C'),
At Hardayal Municipal Public Library,

Gandhi Maidan, Chandni Chowk,
Delhi-110006 (Presently at Br.21, Sec 8, Rohini).

8. Ms. Krishna Kaur,
W/o S. Charanjit Singh,
R/o D-1/96, Vishnu Garden,
New Delhi-110018
Aged about 51 years
Working as Sr. Library Attendant (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006 (Presently at Br.05, Krishna Garden).
9. Ms. Rekha Jain,
W/o Late Shri Jawahar Lal Jain,
R/o 214, MCD Flats, Double Storey,
Nimri Colony, Near Ashok Vihar,
Delhi-110052
Age about 57 years,
Working as Technical Assistant (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006.
10. Ms. Bala Garg,
W/o Shri Anil Kumar Gupta,
R/o A-55, Kewal Park Extension,
Azadpur, Delhi-110033
Age about 51 years
Working as Technical Assistant (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006.
11. Mrs. Sheela Devi,
W/o Shri Gyanendra Singh,
R/o C-1/204, Sector-16, Rohini,
Delhi-110089
Age about 59 years,
Working as Technical Assistant (Group 'C'),
At Hardayal Municipal Public Library,
Gandhi Maidan, Chandni Chowk,
Delhi-110006.
12. Manish Tiwari,
S/o Shri Rajeshwar Prasad Tiwari,
R/o 3387, Gali Haquim Baga,

Hauz Kazi, Delhi-110006
 Age about 37 years,
 Working as Computer Operator (Group 'C'),
 At HMPL Gandhi Maidan, Chandni Chowk,
 Delhi-110006.

13. Rajender Singh Jatav,
 S/o Shri Mansukh Singh,
 Aged about 50 years,
 H.No. 37, Vill-Gadana, Post-Bilaspur,
 G.B. Nagar
 Working as Laminator/B. Binder (Group 'C'),
 At HMPL Gandhi Maidan, Chandni Chowk,
 Delhi-110006.

.. Applicants

(By Advocate : Shri Yogesh Kumar Mahur)

Versus

1. Hardayal Municipal Public Library,
 Through its Secretary,
 Gandhi Ground, Chandni Chowk,
 Delhi-110006
2. North Delhi Municipal Corporation,
 Through its Commissioner/Mayor,
 Civic Centre, Dr. S.P. Marg,
 New Delhi.
3. South Delhi Municipal Corporation
 Through its Commissioner/Mayor,
 Civic Centre, Dr. S.P. Marg,
 New Delhi.
4. East Delhi Municipal Corporation,
 Through its Commissioner/Mayor,
 419, Udyog Sadan,
 Parparganj, Delhi-110094.

.. Respondents

(By Advocate : Shri Rohit Sehrawat for Shri R.K. Jain for R-1,
 Shri Manjeet Singh Reen for R-2 and
 Mrs. Anupama Bansal for R-3)

O.A. No. 4153/2017

1. Rajender Singh Bisht,
 S/o Shri Mohan Singh Bisht,

Age : 59 years, DOB : 05.10.1958,
 R/o 411/2/2, A-Block,
 Laxmi Vihar, Burari, Delhi-110084
 Presently working as Technical Assistant,
 Hardayal Municipal Public Library,
 Gandhi Ground, Chandni Chowk,
 Delhi-110006.

2. Smt. Raj Bala,
 W/o Shri Satish Khatri,
 Age : 52 years, DOB : 04.06.1965,
 R/o H.No.1810/29, Vikas Nagar,
 Kakroi Road, Gali No.3,
 Sonapat, Haryana.
 Presently working as Technical Assistant,
 Hardayal Municipal Public Library,
 Gandhi Ground, Chandni Chowk,
 Delhi-110006.
 3. Smt. Neeru Joshi,
 W/o Shri Atul Sharma,
 Age : 47 years, DOB : 26.07.1970,
 R/o E-80, Vikas Nagar,
 Uttam Nagar, New Delhi-110059
 Presently working as Junior Technical Assistant,
 Hardayal Municipal Public Library,
 Gandhi Ground, Chandni Chowk,
 Delhi-110006.
- .. Applicants

(By Advocate : Shri R.V. Sinha with Shri Vaibhav Pratap Singh)

Versus

1. Hardayal Municipal Public Library,
 Gandhi Ground, Chandni Chowk,
 Delhi-110006
 (Through : Hony. Secretary)
2. North Delhi Municipal Corporation,
 Dr. S.P.M. Civic Centre,
 J.L.N. Marg,
 New Delhi-110002
 (Through : The Commissioner)
3. South Delhi Municipal Corporation,
 17th Floor, S.P.M. Civic Centre,
 J.L. Nehru Marg,

New Delhi-110002

(Through : The Commissioner)

.. Respondents

(By Advocate : Shri Rohit Sehrawat for Shri R.K. Jain for R-1,
Shri Manjeet Singh Reen for R-2 and
Shri Rohit Kataria for Shri Surinder Singh for R-3)

ORDER

By Mr. V. Ajay Kumar, Member (J)

As agreed and as the issue involved is identical, all these OAs are disposed of by way of this common order. However, facts in OA No.4153/2017 are taken into consideration.

2. The applicants, 3 in number, and working as Technical Assistants in the 1st respondent-Hardayal Municipal Public Library, filed the OA seeking the following reliefs:-

- “(a) Call for the original file(s)/records of the respondents;
- (b) Declare the Order No.258 dated 23.08.2017 (Annexure A-1 (Colly) Impugned) as illegal, arbitrary, discriminatory and consequently quash the same;
- (c) Declare that the applicants are entitled for their monthly salary timely and preferably on the last working day of every month and accordingly pray for direction to the respondents to pay the monthly salary timely and preferably on the last working day of the month at the rate fixed by the respondent No.1 and at which rate the applicants have been receiving such salary before issuance of the impugned order dated 23.08.2017 and since when the payment of salary has been stopped.
- (d) Award cost of this application and proceedings against the respondents and favour of the applicants; and
- (e) May also pass further order(s) as be deemed just and proper to meet the ends of justice”.

3. The applicants by way of their present OA are seeking a declaration that the Annexure A-1 (colly) order of the Ist respondent-Hardayal Municipal Public Library dated 23.08.2017 as illegal and for consequential quashment of the same.

4. The respondents raised a preliminary objection of jurisdiction by submitting that the Ist respondent- Hardayal Municipal Public Library, wherein all the applicants are working in various capacities, is neither part of the Delhi Municipal Corporation nor notified under Section 14 of the Administrative Tribunals Act, 1985 and hence this Tribunal has no jurisdiction to entertain the present OA.

5. The applicants submitted in the OA that the 1st respondent-Hardayal Municipal Public Library is an autonomous body and managed by its Managing Committee and came into existence in the year 1902. It is further submitted that the funds for the purpose of maintaining the Ist respondent-Library are given by the Municipal Corporation of Delhi. After trifurcation of the Municipal Corporation of Delhi into North Delhi Municipal Corporation, South Delhi Municipal Corporation and East Delhi Municipal Corporation, the Managing Committee, which controls the affairs of the Library, is consisting of the Members nominated by all the 3 Corporations. It is also submitted that the Ist respondent-Library is being run in the

buildings of the Municipal Corporation of Delhi and with the funds supplied by the Municipal Corporation of Delhi and managed by the Managing Committee consisting of the nominees of the Municipal Corporations and hence this Tribunal has jurisdiction to adjudicate the OAs. It is also submitted that even earlier also this Tribunal exercised its jurisdiction in respect of the service matters of the employees of the 1st respondent-Library in TA No.1341/2009 and OA No.2948/2011 and hence now it cannot be held that this Tribunal has no jurisdiction.

6. Per contra, the respondents, while not disputing the fact that the Library is being run in the buildings pertaining to the Municipal Corporations and with the funds supplied by them and that the Managing Committee is consisting of the nominees of the Municipal Corporations, however, submits that the 1st respondent-Library is an autonomous body and a separate entity and a Society, registered under the Societies Registration Act and governs by its own Constitution and general rules of management. Even the buildings and funds were provided to the Library under an agreement entered into between the Municipal Corporation and the Committee of Management of the 1st respondent-Library and hence by providing buildings and funds by the Municipal Corporations, cannot confer any jurisdiction on this Tribunal. It is also submitted that in TA No.1341/2009 and in OA No.2948/2011 which were entertained by

this Tribunal either the issue of jurisdiction was not raised or even it was raised, the same was not adjudicated and decided and hence the entertainment of the said TA/OA by this Tribunal cannot be taken as a precedent.

7. Heard Shri R.V. Sinha with Shri Vaibhav Pratap Singh, learned counsel for the applicants in OA Nos.3374/2017, No.3450/2017 and 4153/2017, Shri Yogesh Kumar Mahur, learned counsel for the applicants in OA Nos. 831/2018 and 4325/2017 and Shri Rohit Sehrawat for Shri R.K. Jain, learned counsel for Respondent Nos. 1 & 3 in OA Nos.3374/2017 and for Respondent No.3 in OA No.831/2018 and for Respondent No.1 in OA Nos. 3450/2017 and 4325/2017 and for Respondent No.1 in OA No.4153/2017, Shri Manjeet Singh Reen, learned counsel for respondent No.2 in OA Nos.3374/2017, 831/2018 & 4325/2017 and for Respondent No.3 in OA No.3450/2017 and for Respondent No.2 in OA No.4153/2017 and Mrs. Anupama Bansal, learned counsel for respondent No.3 in OA No.4325/2017 and Shri Rohit Kataria for Shri Surinder Singh, learned counsel for respondent No.3 in OA No.4153/2017 and perused the pleadings on record.

8. Admittedly, the 1st respondent-Library is a Society registered under the Societies Registration Act, 1860, as was described in the agreement entered with the Municipal Corporation. Further,

admittedly, the 1st respondent-Library was not part of any Municipal Corporation at any point of time and that the applicants were appointed by the Library itself, as per its own rules and regulations but not as per the requirements and rules of the Municipal Corporation.

9. Further, as per the settled principles of law, no court can be conferred with any jurisdiction by way of wrong exercise of jurisdiction or by any other mode except by way of specific provision of law. Admittedly, the 1st respondent-Library was not notified under Section 14 of the Administrative Tribunals Act, 1985, to enable this Tribunal to exercise its jurisdiction over the service disputes of its employees. As rightly pointed out by the learned counsel for the respondents that either in TA No.1341/2009 or in OA No.2948/2011, this Tribunal has not given any specific finding that this Tribunal has jurisdiction over the service matters of the employees of the 1st respondent-Library. This is so, even though a preliminary objection of the maintainability of the OA was taken in OA No.2948/2011.

10. In the circumstances and for the aforesaid reasons, all the OAs are dismissed for want of jurisdiction. However, this order shall not preclude the applicants from approaching a competent court of

law, if they are so advised, in accordance with law. Pending MAs, if any, stand disposed of accordingly. However, interim orders, if any, granted in any of these OAs, shall be in force, for a period of 30 days from the date of receipt of this order. No costs.

Let a copy of this order be placed in all the OA files.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

RKS