

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

O.A. No.362/2015

**Reserved On:23.04.2018
Pronounced on:16.07.2018**

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

1. Ashok Kumar Chaudhary, aged about 44 years
S/o Sh. Maheshwar Chaudhary,
R/o A-467, Azadpur Village,
Near Railway Fly Over, Delhi-33
2. Bhagat Singh S/o Sh. Ram Swaroop, aged about 39 years
R/o 58, Mandirwali Gali,
Azadpur Village, Delhi-33
3. Jasraj S/o Sh. Raghuvir Singh, aged about 38 years
R/o 156, New Ushmanpur,
2nd Pusta, Delhi-110053.
4. Ranjeet Singh, aged about 34 years
S/o Sh. Bhikhari Singh
R/o 156, Green Vally Apprt.
Sect-18, Rohini Delhi.
5. Mukesh Kumar, aged about 40 years
S/o Sh. Gopi Chand.
R/o W-12B/136, Sardar Patel Camp Jwalapuri,
Delhi-87.
6. Harihar Yadav, aged about 32 years
S/o Sh. Sudarshan Ram Yadav
R/o S-834, Mangolpuri, Delhi-83.
7. Vinod Kumar, aged about 36 years
S/o Sh. Ram Swarup
R/o 2938, Aryapura, Delhi-07.
8. Om Prakash, aged about 39 years
S/o Sh. Todarmal
R/o 2376, Gali Ravi Dass,
Bazar Sita Ram, Delhi-110006.

9. Shankar Samanta, aged about 39 years
S/o Late Sh. B.K. Samanta
R/o Qtr. No.315, Type-II
Mirdard Lane, Near L.N.J.P. Hosptial
New Delhi-110002.
10. Hillerious Soreng, aged about 40 years
S/o Late Sh. Benedict Soreng
R/o D-626, Gali No.12, West Vinod Nagar,
Delhi-110092.
11. Wakil Yadav, aged about 50 years
S/o sh. BabuLal Yadav
R/o C-45, Kaushalpur, Azadpur
Delhi-110033.
12. Pawan Kumar, aged about 42 years
S/o Late Sh. Mahinder Singh
R/o V.P.O. Rampur (Kundal)
Teshsil Kharkhoda, Distt. Sonapat, Haryana
13. Nirmala, aged about 53 years
W/o Sh. Mukesh Khanna
R/o 1765, Delhi Administration Flat,
Gulai Bag, Delhi-110007.
14. Ravi Bhushan, aged about 40 years
S/o Late Sh. Devi Singh
R/o 2086, Gali ZereFashik Turukman Gate,
Delhi-110002.
15. Sunil Kumar, aged about 48 years
S/o Sh. Khajan Singh
R/o Village+Post-Bakhtawarpur,
Delhi-110036.
16. Sanjay Balian, aged about 40 years
S/o Sh. Attar Wingham,
R/o Village + Post –Tajpur Kalan, Delhi-36
17. Krishan Kumar, aged about 48 years
S/o Sh. Chandrup
R/o Vill+ Post-Tajpurkalan, Delhi-36.
18. Anand Pal, aged about 43 years
S/o Sh. Karan Singh

R/o Vill.+Post. Tajpurkalan, Delhi-36.

19. Satya Veer Singh, aged about 39 years
S/o Sh.Chet Ram
R/o Vill.Tigipur, Po. Tajpurkalana
Delhi-36.
20. Krishan Kumar, aged about 52 years
S/o Sh. Mam Chand
R/o Vill+Post Tajpur, Delhi-36.
21. Surendar Singh, aged about 38 years
S/o Sh. Dariyan Singh
R/o Vill. Tigipur, PO. Tajpur Kalana, Delhi-36.
22. Shri Pal, aged about 36 years
S/o Sh. Dharam Singh
R/o Vill. Kumaspur, Distt. Sonapat, Haryana.
23. Suresh Kumar, aged about 51 years
S/o Sh. Amar Singh
R/o Vill.+post. Tajpur, Delhi36.
24. Sunil Kumar, aged about 42 years
S/o Sh. Mahender Singh
R/o Vill+ P.O. BakhtawarPur, Delhi-36.
25. Deepak, aged about 38 years
S/o Sh. JamanaDass
R/o Vill+PO. BakhtawarPur, Delhi-36.
26. Rajbir Singh, aged about 45 years
S/o Sh. Nafay Singh,
R/o V.P.O. Tajpur Kalan, Delhi-110036.
27. Rajkumar, aged about 35 years
S/o Sh. Badlu Ram
R/o Y-2303, MangolPuri, Delhi-83.
South MCD
28. Vinod Kumar, aged about 46 years
S/o Sh.Balak Ram
R/o 77, Ram Hola Vihar, Hastals Road,
Nangloi, Delhi-41.
29. Naresh Sharma, aged about 37 years
S/o Sh. Bhoddutt Sharma
R/o C-8/60, Keshav Puram, Larence Road,

Delhi-110035.

30. Ashok Kumar, aged about 41 years
S/o Late Sh. Chain Sukh
R/o 88, Mohammadpur Village,
R.K. Puram
Delhi-110066.
31. Rahul Dev, aged about 28 years
S/o Sh. Sahab Singh,
R/o 9B, 33 Futa Road, Panchal Vihar,
Shiv Vihar, Delhi-110094.
32. Raghuvir Singh, aged about 38 years
S/o Sh. Rameshwar Lal
R/o D-367, Khayala Colony,
New Delhi-18.
33. Davender Kumar, aged about 43 years
S/o Sh. Sura Singh,
R/o 3, Sarai Kale Khan Village, Delhi.
34. Kapil Sharma, aged about 25 years
S/o Sh. Madan Mohan Sharma
R/o 2138, Gali Hanuman Prasad,
Masjid Khajoor, Chandani Chowk, Delhi-06.
35. Vinod, aged about 39 years
S/o Sh. DharamDutt
R/o 103, Mulchand Colony, Rajghat,
New Delhi-02.
36. Yogender Sharma, aged about 39 years
S/o Late Sh. Dharm Veer Singh
R/o Vill+post. Katha, Distt. Bagpat, U.P.
37. Narad Singh, aged about 40 years
S/o Sh. Kuldeep Singh
R/o 165, KatraBariyan
Fatehpuri, Delhi-110006.
38. Surender Mohan, aged about 41 years
S/o Late Sh. Sita Ram
R/o B-154, Pandav Nagar, Delhi-92.
39. Maharaj Singh, aged about 36 years
S/o Sh. Ved Ram

R/o MohallaNyder Dadri,
Gautam Budh Nagar, UP.

40. Vijay Kumar, aged about 36 years
S/o Late Sh. Raghuveer Singh
R/o C-29/1, Gamri Extn. SudamaPuri
Gali No. 11, Delhi-110053.
 41. Rohtash Kumar, aged about 39 years
S/o Sh. Bishamber Dayal
R/o 692, ChandniMahal,
DairyaGanj, Delhi-02.
 42. Rupender Sharma, aged about 25 years
S/o Sh. Hari Ram Sharma
R/o 388, Shabda, J.J. Colony, Ghebra,
Delhi-110081.
 43. Sumit Kumar, aged about 24 years
S/o Sh. Brahm Prakash
R/o C-955, Mangolpuri, Delhi-83.
 44. Naresh Kumar, aged about 48 years
S/o Sh. Ishwar Singh
R/o Vill. Chohalda, Aggarwal Mandi,
Distt. Bagpat, U.P.
 45. Pradeep Kumar, aged about 30 years
S/o Sh. KishanLal
R/o 705, Gali No. 16, Phase-16,
Shiv Vihar, Karawal Nagar, Delhi-94.
- East MCD
46. Sunil Kumar Mishra, aged about 38 years
S/o Sh. Harbans Mishra
R/o D-175, New Seelmpur, Delhi-53.
 47. Ahsok Kumar, aged about 42 years
S/o Sh. Radha Charan
R/o A-2/580, Main Road-II, South Gamri Extn.
Delhi-110053.
 48. Rakhi, aged about 34 years
D/o Sh. Om Sharma
R/o C-257, MCD Flat, 1st Pusta
New Usman Pur, Delhi-53.

49. Deshpal Thakur, aged about 43 years
S/o Sh. Suraj Mal
R/o Vill Chaparauli, Patti DhanKaushiya
Distt. Bagpat, UP.
50. Parmod Kumar, aged about 34 years
S/o Sh. Moolchand Singh
R/o Vill. Mira Pur, PO Pilakhuwa,
Distt. Hapur, UP.
51. Parmod Kumar, aged about 40 years
S/o Sh. Kishan Pal
R/o A-19/2, Gali No.2, Brahmpuri,
Sahadara, Delhi-53.
52. Sanjeev Kumar, aged about 29 years
S/o Sh. Satpal Singh,
R/o C-6/462, Yamuna Vihar
Delhi-53.
53. Nouratan Kumar, aged about 39 years
S/o Sh. Bhoop singh,
R/o S-348, Mangolpuri, Delhi-83.
54. Binod Kumar, aged about 40 years
S/o Sh. Rameshwar Dayal
R/o A-12/6, Phase-6, Gali No. 12
Shiv Vihar, Delhi-94.
55. Subhash Chand, aged about 37 years
S/o Sh. Rajbir Singh
R/o H. No.185, New Chauhan Pur,
Karawal Nagar, Delhi-94.
56. Ashok Kumar, aged about 40 years
S/o Late Sh. Rambir Singh
R/o 258, Gali No. 4/6, Rama Garden,
Karawal Nagar, Delhi-94.
57. Rajkumar, aged about 36 years
S/o Sh. Anant Ram R/o 70-71,
New Chauhan Pur,
Rajajee Marg, Karawal Nagar,
Delhi-1110094.
58. ShyamLal, aged about 39 years

S/o Sh. Tilak Ram
R/o B-489, Gali No.2, Meet Nagar,
Delhi-110093.

59. Praveen Kumar, aged about 39 years
S/o Sh. Mahavir
R/o H. No.135, Gali Mohalla, Seemapuri,
Patti, Rampur Khekra, Distt. Bagpat, UP.
60. Naresh Kumar, aged about 38 years
S/o Sh. Prem Dass
R/o 237, Dr. Ambedkar Basti,
Ghonda, Delhi-110053.
61. ChanderBos, aged about 46 years
S/o Sh. Mathura Prasad
R/o A-338/D, South Gamri Extn. Delhi-53.
62. Hemant Kumar Saini, aged about 39 years
S/o Sh. Nank Chand Saini
R/o 300 Katra Sujan Rai, Delhi Gate,
Delhi-110002.
63. Narender, aged about 43 years
S/o Sh. Mohan Lal
R/o H-11/2A, Gali No.20, Jai Prakash Nagar,
Ghonda Delhi-110053.
64. Harikishan, aged about 36 years
S/o Sh. Mam Raj,
R/ o H. No. 9/4119, Gali No.11, Ajeet Nagar,
Gandhi Nagar, Delhi-110031.
65. Manoj Kumar, aged about 41 years
S/o Sh. Ram Prasad
R/o H. No. A-8/712, East Gokalpur
Delhi-110094.
66. Dharamvir, aged about 37 years
S/o Sh. Pyare Lal
R/o H. No. P-126/1, Main Road,
Shankar Nagar, Delhi-110051.
67. Ram Lal Kasana, aged about 43 years
S/o Sh. Bhuley Ram
R/o H. No. 9/1,
Vill. Bihari pur Near Primary School,

Karawal Nagar, Delhi-94.

68. Jitender Kumar, aged about 45 years
S/o Sh. Shyam Babu
R/o K-1725, Jahangir Puri, Delhi-33.
69. Anil, aged about 36 years
S/o Sh. Ram Prakash R/o 9/2487
Kashyap Mohalla, Near Police Station, Gandhi
Nagar, Delhi-31.
70. Sudesh Kumari, aged about 43 years
W/o Sh. Rakesh Kumar
R/o K-11A, Gali No.11, BrahmPuri,
Delhi-110053.
71. Kailash, aged about 36 years
S/o Sh. Nathi Ram
R/o H. No. 556, Dr. Ambedkar Basti,
Ghonda, Delhi-110053.
72. Laxman Singh, aged about 47 years
S/o Sh. Budhan Singh
R/o Vill. Vikash Nagar, Loni,
Ghaziabad, UP.
73. Vinod Kashyap, aged about 42 years
S/o Sh. K.P. Kashyap
R/o C-112A Gali No. 5, Bhajanpura,
Delhi-110053.
74. Mahesh Kumar, aged about 48 years
S/o Sh. Radhey Shyam Sharma
R/o B-95/2, Gali No. 6, B-Block,
Bhajanpura, Delhi-110053.
75. Rakesh Kumar, aged about 41 years
S/o Sh. Kharag Singh
R/o H-33 Gali No.4, BarhmPuri, Delhi-53.
76. Pushp Lata, aged about 48 years
W/o Sh. Arun Kumar
R/o B-351, MCD Flat, New Usman Pur,
Delhi-110053.
77. Pushpendra Singh, aged about 44 years
S/o Sh. Baljor Singh
R/o 603/7, Kirishna Gali AdarshMohalla,
Maujpur, Delhi-110053.
78. Jhamman Singh, aged about 46 years

S/o Sh. Lakhpat Rai,
R/o 506, Gali No. 7, Phase-V,
Shiv Vihar, Delhi-94.

... Applicants

All the Applicants are working at the post of
Domestic Breeding Checkers with the respondents

(By Advocate: Shri Anand Nandan)

Versus

1. Govt. of NCT of Delhi
Through, Principal Secretary (Health)
Delhi Secretariat,
New Delhi.
2. North Delhi Municipal Corporation
Through it's Commissioner
Civic Centre, New Delhi.
3. South Delhi Municipal Corporation
Through it's Commissioner
Civic Centre, New Delhi.
4. East Delhi Municipal Corporation,
Through it's Commissioner
Udyog Sadan, Patparganj, Delhi. ... Respondents

(By Advocates: Shri Amit Sinha for Shri R.N. Singh with Shri
K.M. Singh for R-2
Shri Shantanu Kumar for R-3
Ms. Sangita Rai with Shri Pradeep Singh Tomar
for R-4).

ORDER

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

The applicants, 78 in number and working as contractual Domestic Breeding Checkers under the respondents, filed the OA seeking a direction to pay their salary as per Annexure P-1 Office Order dated 25.04.2013 with effect from 01.04.2013 along with

arrears and other consequential benefits. They have also prayed for issuance of a direction to grant leave benefits to them as per Annexure P-4 Office Order dated 23.04.2008 and also to grant bonus.

2. It is submitted on behalf of the applicants that the respondents-North Delhi Municipal Corporation (NDMC), vide the Annexure P-1 Office Order dated 25.04.2013, enhanced the remuneration paid to contractual appointees in various categories of various cadres in NDMC and that the applicants who are working as contractual Domestic Breeding Checkers are also entitled for the minimum of the Pay Band + Grade Pay + variable DA at the said enhanced rate with effect from 01.04.2013, i.e., on which date the said Office Order came into effect.

3. On the other hand, it is submitted on behalf of the respondents that the applicants were engaged on contract basis as Domestic Breeding Checkers which is a semi-skilled, non-supervisory, technical post with matriculation qualification for which no Recruitment Rules are available and accordingly, no sanctioned posts are in existence. Therefore, the applicants are being paid the wages as per the daily wage rates on the basis of minimum wages fixed by the Government of NCTD, as revised from time to time by the concerned Labour Welfare Department. Since there are no Recruitment Rules for the post of Domestic Breeding

Checkers and there are no sanctioned posts, they cannot compare them with other contractual employees who are working against sanctioned category of posts for which Recruitment Rules are in existence. It is also stated that the engagement of the applicants as Domestic Breeding Checkers is only for 7 months in a year as against the continuous engagement of other contractual employees against other sanctioned posts.

4. Heard Shri Anand Nandan, learned counsel for the applicants and Shri Amit Sinha for Shri R.N. Singh with Shri K.M. Singh, learned counsel for Respondent No.2, Shri Shantanu Kumar, learned counsel for Respondent No.3 and Ms. Sangita Rai with Shri Pradeep Singh Tomar, learned counsel for Respondent No.4 and perused the pleadings on record.

5. We find force in the submission made by the respondents. The applicants who are working on contract basis in the posts of Domestic Breeding Checkers for which admittedly no RRs are in existence and that there are no sanctioned posts and prescribed scales. They are being paid the wages as per the rates of minimum wages prescribed by the Government of NCTD and as enhanced from time to time. A contractual employee can claim equal pay provided the post on which he is working is a sanctioned post for which a particular pay scale was prescribed by the RRs. Accordingly, the said prayer is rejected.

6. In the circumstances and for the aforesaid reasons, the OA is disposed of by permitting the applicants to submit an appropriate representation for leave benefits and bonus, and on receipt of such a representation from the applicants, the respondents are directed to consider the same as per the rules and pass an appropriate speaking and reasoned order, in accordance with law, within 90 days therefrom. No costs.

(NITA CHOWDHURY)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

RKS