

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No-900/1999
MA-4726/2017**

New Delhi, this the 18th day of December, 2018

Hon'ble Sh. V. Ajay Kumar, Member (J)
Hon'ble Sh. A.K. Bishnoi, Member (A)

1. Delhi Flood Control Workers Union, Through its President
Sh. M.S. Jain, S/o Sh. H.C. Jain,
R/o T-65, Gali Hart Gautampuri, Delhi-53.
2. Rajesh Kumar Mehta, S/o Sh. R.K. Mehta,
R/o AZ/99, Shalimar Bagh, New Delhi. ...Applicants

(through Ms. Shruti Munjal)

Versus

1. Union of India, through,
Lt. Governor of Delhi, Raj Niwas, Delhi.
2. Secretary/Development Commissioner (I&F)
Govt. of NCT of Delhi,
5, Under Hill Road, Authority Building, Delhi.
3. Chief Engineer (I&F),
4th Floor, ISBT,
Govt. of NCT of Delhi, Delhi.
4. Chief Secretary,
5, Shamnath Marg,
Govt. of NCT of Delhi, Delhi. ... Respondents

(through Sh. Vijay Pandita)

ORDER (ORAL)

Hon'ble Sh. V. Ajay Kumar, Member (J)

The first applicant is the Delhi Flood Control Workers Union represented by its President and the second applicant is an

individual affected party working as Work Assistant in the Irrigation and Flood Control Department of the respondents – GNCTD. They jointly filed the OA seeking the following reliefs:

- “a) quash the letter dated 31.7.98,
- b) direct the respondents to grant parity of scales to the Work Assistant of I&F with CPWD atleast w.e.f. 1.1.1986 if not from 1979 and grant them arrears;
- c) in the alternative to direct the respondents to grant 2/3 tier scales to Work Assistants also w.e.f. 1.1.86 with arrears as done in case of Jr. Engineers as Work Assistants have o promotional avenues;
- d)and/or to pass such other order/orders that your Lordships may deem fit and proper in the facts and circumstances of the case.”

2. On 27.02.2002, noticing that an identical OA No. 154/2001 in Delhi Flood Control Workers Union & Ors. vs GNCTD was disposed of on 10.08.2001 in favour of the applicants therein and the Hon'ble High Court stayed the said order on 12.02.2002, the instant OA was adjourned sine die with a liberty to seek revival of the instant OA after the final orders of the Hon'ble High Court of Delhi in the Writ Petition filed by the respondents against the orders in OA No. 154/2001 are received.

3. The WP(C) No. 514/2002 filed by the respondents – GNCTD against the orders of this Tribunal in OA No. 154/2001 was dismissed on 14.07.2016. The SLP Diary No. 15440-17 filed thereon was dismissed as withdrawn on 31.07.2017, with a liberty to approach the Hon'ble High Court by way of Review Petition. Thereafter, the Review Petition

No. 23/2018 filed by the respondents-GNCTD before the Hon'ble High Court was also dismissed. Then the applicants in the instant OA filed MA No. 4725/2017 for revival and the same was allowed by this Tribunal on 12.11.2018 and accordingly the OA was restored to its original file.

4. Heard learned counsel for the parties and perused the pleadings on record.

5. Learned counsel for the applicant while drawing our attention to the orders of this Tribunal as well as of the Hon'ble High Court and of the Hon'ble Supreme Court submits that the applicant would be satisfied if the instant OA is disposed of in terms of the orders of this Tribunal in OA No. 154/2001 as the applicants are identically placed like the applicants in the said OA.

6. On the other hand, learned counsel for the respondents while drawing our attention to the counter and additional affidavit filed in the OA submitted that the applicants are not entitled for the reliefs claimed. He further submits that the applicants in OA No. 154/2001 sought for extension of the benefit of the award dated 31.01.1988 whereas the applicants in the instant OA are seeking pay parity with the Work Assistants of CPWD and hence the instant OA is not identical to the said OA and therefore, cannot be disposed of in terms of the order in the OA mentioned above.

7. However, the respondents counsel failed to state how the second applicant who is an individual Work Assistant of the Irrigation and Flood Control Department of GNCTD, is differently placed like the applicants number 2-35 in OA No. 154/2001 who are also admittedly working as Work Assistants in the Irrigation and Flood Control Department of GNCTD.

8. In the circumstances and in view of the upholding of the orders of this Tribunal in OA No. 154/2001 dated 10.08.2001 up to the Hon'ble Apex Court, we find justification in the submission made by the counsel for the applicants. The OA is disposed of in terms of the orders of this Tribunal in OA no. 154/2001 dated 10.08.2001. The respondents shall complete the necessary exercise within ninety days from the date of receipt of a certified copy of this order. No costs.

All pending MAs stand disposed of.

(A.K. Bishnoi)
Member(A)

(V. Ajay Kumar)
Member(J)

/ns/