

**Central Administrative Tribunal
Principal Bench**

OA No.551/2019

New Delhi, this the 18th day of February, 2019

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

R. S. Meena
Addl. Commissioner,
Group 'A',
Aged 59 years,
S/o Sh. Mam Raj Meena
R/o 49/1, Banglow Road,
Kamla Nagar, Delhi.

... Applicant.

(By Advocate : Shri M. K. Bhardwaj)
Vs

1. North Delhi Municipal Corporation
Through its Commissioner
SPM Civic Centre, JLN Marg,
New Delhi.
 2. East Delhi Municipal Corporation
through its Commissioner
Udyog Sadan, Patpar Ganj Industrial Area,
Delhi 110 092.
 3. The Addl. Commissioner (Engg./Estt)
North Delhi Municipal Corporation
Through its Commissioner
SPM Civic Centre, JLN Marg,
New Delhi.
- ... Respondent.

(By Advocate : Shri R. V. Sinha)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant was working as Deputy Commissioner in North Delhi Municipal Corporation (for short, NDMC). Through Office Order dated 02.11.2016, he was assigned

the look after the charge of the post of Additional Commissioner, NDMC. Three weeks thereafter, he was posted as Additional Commissioner in East Delhi Municipal Corporation (for short EDMC). About one year thereafter, he was transferred to NDMC to work in the vacancy that arose on account of retirement of one Mr. Deepak Hastir, Additional Commissioner. Through an Office Order dated 02.04.2018, the Commissioner, NDMC, by name, Madhup Vyas has delegated all his powers in favour of the applicant in exercise of powers under Section 491 of Delhi Municipal Council Act.

2. The applicant contends that once he is working as an Additional Commissioner in a full-fledged manner, he is entitled to be paid salary in the pay scale of Rs.37400-67000 in the grade pay of Rs.10,000/-, attached to that post. He claims to have made a representation dated 13.02.2017 in this behalf and contends that no action has been taken thereon. Hence, this OA is filed.

3. We heard Shri M. K. Bhardwaj, learned counsel for the applicant and Shri R. V. Sinha, learned counsel for the respondents.

4. We are indeed shocked and startled to know the state of affairs that is prevailing in various municipal

corporations of Delhi. Being the capital of the country, it is required to be administered in a perfect way so that every Municipal Corporation in the country can treat it as a model. However, the state of affairs is such that even Gram Panchayat, not to speak of a town municipality, would hesitate to adopt this model.

5. NDMC is conferred with the powers of nodal agency to post and transfer the officers in all the corporations. The applicant was just assigned “look after charge” as Additional Commissioner, without reference to any particular post; through an order dated 02.11.2016. It reads as under:-

“OFFICE ORDER

Consequent upon assigning the Look after Charge of Addl. Commissioner, Sh. R. S. Meena, Addl. Commissioner is hereby allowed to join his duty w.e.f. 25.10.2016 (A.N.) in his own pay scale. He has been assigned the charge of Education Department, Community Services Department and supervision of Rohini Zone. The Charge of other Departments will remain unchanged amongst the Additional Commissioners.

This issues with the approval of the Commissioner, North DMC.

Three weeks thereafter, he was posted as Additional Commissioner in the NDMC in a full-fledged manner. This was followed by his transfer to NDMC on 22.01.2018. It reads as under:-

“OFFICE ORDER

Sh. R. S. Meena, Addl. Commissioner/East DMC is hereby transferred and posted in North DMC vice Sh. Deepak Hastir, Addl. Commissioner (since retired) with immediate effect.

This issues with the approval of Commissioners of North DMC and East DMC.”

Works were also distributed amongst the Additional Commissioners through order dated 23.01.2018. What is more shocking is the order dated 02.04.2018 passed by the Commissioner of NDMC, by name, Shri Madhup Vyas.

The order reads as under:-

“Office Order

In exercise of the powers vested in the Commissioner under Section 491 of the DMC Act, 1957, I hereby delegate all the powers, conferred upon me under various sections of the DMC Act, to Shri R. S. Meena, presently posted as Addl. Commissioner in North DMC w.e.f. 08.02.2018, subject to my overall supervision, control and review.”

It is understandable as to how the Commissioner of a nodal corporation has chosen to delegate all his powers in favour of the applicant who was just working as “look after charge” of the post of Additional Commissioner. It is not known as to whether State and Central Governments are aware of this. Unless such a blatant deviation from law and gross misuse of power is stopped, there is every likelihood of the Corporation suffering a serious dent. The appointments and postings are given as though it is

assignment of duty to sanitation staff in the corporation. If the officers at the high level of administration function in this manner, it is not difficult to assess the type of functioning. We take serious exception to such type of orders being issued.

6. Adhocism can certainly be resorted to, with a view to meet the immediate exigencies. However, it cannot be the order of the day. We, therefore, direct the Director, Local Bodies of the NCT of Delhi to ensure that the postings and appointments are made in a regular and perfect manner and the powers of the Commissioner are not delegated in a very casual and careless manner.

7. The OA is accordingly disposed of. The representation made by the applicant shall also be considered by the Municipal Corporation as well as Director, Local Bodies, and appropriate order be passed thereon within a period of four weeks from the date of receipt of copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/