

**Central Administrative Tribunal  
Principal Bench**

**RA No.100/2019  
and  
RA No.131/2019  
in  
OA No.821/2019**

New Delhi, this the 1<sup>st</sup> day of July, 2019

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

Shri Umesh Sachdeva  
S/o L. D. Sachdeva  
R/o B-147/2  
East of Kailash  
Delhi 110 065.

.... Applicant.

(By Advocate : Shri A. K. Panwar for Shri Ramesh Duggal)

Vs.

1. Govt. of NCT of Delhi  
Through, Director of Local Bodies,  
Players Building, ITO,  
New Delhi.
2. Commissioner  
North Delhi Municipal Corporation  
4<sup>th</sup> Floor, Civic Centre, Minto Road,  
Delhi 110 002.
3. Commissioner  
East Delhi Municipal Corporation  
1<sup>st</sup> Floor, Plot No.419,  
Udyog Sadan, Patparganj,  
Industrial Area,  
Delhi 110 092.
4. Commissioner  
South Delhi Municipal Corporation  
SPM Civic Centre, JLN Marg,  
New Delhi.

5. P.C. Meena  
E-in-C (EDMC), Group A,  
S/o Late Ram Sahay  
R/o A-2/165, Janak Puri,  
New Delhi. ... Respondents.

(By Advocate : Shri M. K. Bhardwaj)

## **2. RA No.131/2019.**

The Commissioner  
South Delhi Municipal Corporation  
Dr. S. P. Mukherjee Civic Centre,  
9<sup>th</sup> Floor, JL N Marg,  
New Delhi. .... Applicant.

(By Advocate : Shri Nalin Kohli with Shri R. K. Jain)

Vs.

1. Shri P. C. Meena  
S/o Late Ram Sahay  
R/o A-2/165, Janak Puri,  
New Delhi 110 058.
2. Govt. of NCT of Delhi  
Through its Director  
Local Bodies,  
New Secretariat, New Delhi.
3. East Delhi Municipal Corporation  
Through its Commissioner  
Udyog Sadan, Patpar Ganj Industrial Area,  
Delhi 110 092.
4. North Delhi Municipal Corporation  
Through its Commissioner  
Dr. S. P. Mukherjee Civic Centre,  
JLN Marg, New Delhi. .. Respondents.

**: O R D E R (ORAL) :****Justice L. Narasimha Reddy, Chairman:****MA No.1668/2019.**

This application is filed with a prayer to condone the delay of 9 days in filing the review application. After hearing the learned counsel for the parties, we are convinced that the delay is properly explained. The MA is accordingly ordered.

**RA No.100/2019 & RA No.131/2019.**

2. The 2<sup>nd</sup> respondent, in OA No.821/2019 i.e., South Delhi Municipal Corporation (SDMC) filed RA No.131/2019 seeking review of the order dated 15.03.2019. Similarly, one Mr. Umesh Sachdeva filed RA No.100/2019 seeking review of the same order.

3. We heard Shri Nalin Kohli assisted by Shri R. K. Jain, learned counsel for the applicant in RA No.131/2019, Shri A. K. Panwar for Shri Ramesh Duggal, learned counsel for applicant in RA No.100/2019, and Shri M. K. Bhardwaj, learned counsel for respondent.

4. The issue involved in the OA was about the posting of the applicant therein to the SDMC as Engineer-in-Chief. The Tribunal did not touch that question at all, in view of the fact that there has been a trifurcation of the Delhi

Municipal Corporation. However, it was left open to the applicant to make a representation, and the respondents in turn, were directed to consider the same in accordance with law. Reference was made to an order passed in OA No.721/2017, and liberty was given to the respondents to distinguish and differentiate the case of the applicant with the one in OA No.721/2017, if the facts so warrant.

5. The grievance of the 2<sup>nd</sup> respondent in the OA is that the applicant in the OA is making representations one after the other, to several authorities but not to it, i.e., the 2<sup>nd</sup> respondent, and the entire issue is fluid in nature. Similarly, learned counsel for the applicant in RA No.100/2019 submits that the applicant in the OA is proceeding as though a vested right is conferred upon him, though no such rights have been recognised by the Tribunal.

6. In the normal course, the decision as to the posting can straightway be undertaken by the Government itself. However, in the peculiar situation that emerges on account of the trifurcation of the Corporation, the issue is governed by certain provisions of Delhi Municipal Corporation Act. On certain aspects, not covered by the Act, the decisions are required to be taken collectively by all the three Corporations, if necessary by approaching the Hon'ble Lt.

Governor. The views of the Director, Local Bodies are also to be ascertained. Since the question is about posting of Engineer in Chief, it is needless to mention that the matter has to be decided with the participation of all the three Corporations, and such other authorities as are mentioned in the relevant provisions of law.

7. With the above observations, the RAs are disposed of.

**(Mohd. Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/