

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

**C.P No. 588/2017
In
O.A No. 4234/2013**

And

**C.P. No. 595/2017
In
O.A No. 1710/2013**

This the 5th day of August, 2019

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

(1) C.P. No. 588/2017

Dinesh Kumar Singh
S/o Sh. Lal Dhari Singh
R/o H-133,
Kunwar Singh Nagar
Near Nelothi MOD, New Delhi-110041.Petitioner

(By Advocate : Ms. Vijaya Singh and Ms. Anjani Soni)

VERSUS

1. South Delhi Municipal Corporation,
Central Establishment Department
Through Deputy Commissioner
13th floor, Dr. S.P. Mukherji Civic Centre
J.L.N Marg, New Delhi.
2. North Delhi Municipal Corporation
Central Establishment Department
Through Deputy Commissioner
13th floor, Dr. S.P. Mukherji Civic Centre
J.L.N Marg, New Delhi.
3. Additional Commissioner (Estt.)
North Delhi Municipal Corporation
13th floor, Dr. S.P. Mukherji Civic Centre

J.L.N Marg, New Delhi.

4. Directorate of Education
 Municipal Corporation of Delhi
 Civic Centre, Minto Road, Delhi-110 006.

5. Nagar Nigam Prathmik Vidyalaya
 Firozshah Kotla, Delhi. ...Contemnors
 (By Advocate : Mr. R. K. Jain for R-1 and Mr. R. V. Sinha)

(2) C.P. No. 595/2017

1. Karan Singh
 S/o Sh. Kehar Singh
 R/o H. No. 2976,
 II Floor, Gai Wali Gali
 Aryapura, Sabji Mandi, Delhi-110007.

2. Parveen Kumar
 S/o. Sh. Mahender Singh
 R/o. H. 246, Mohalla Dulan
 Bawana, Delhi-110 039. ...Petitioner
 (By Advocate : Ms. Vijaya Singh and Ms. Anjani Soni)

VERSUS

1. Sh. Parveen Kumar Gupta,
 Commissioner
 North Delhi Municipal Corporation
 Central Establishment Department
 13th floor, Dr. S.P. Mukherji Civic Centre
 J.L.N Marg, New Delhi.

2. Sh. Ajay Kumar Kaushal
 Director Education (HQ),
 North DMC, 15th Floor,
 Civic Centre, New Delhi-110002

3. Sh. Hemant Kumar
 Director, Central Establishment Department

13th Floor, Dr. S.P. Mukherji Civic Centre
J.L.N Marg, New Delhi. ...Contemnors

(By Advocate : Mr. R. K. Jain for R-1 and Mr. R. V. Sinha)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:

The facts in both the C.Ps are similar and they are being disposed of with a common order.

2. The applicants filed O.A Nos. 1710/2013 and 4234/2013 before this Tribunal, feeling aggrieved by the withdrawal of the order of regularisation. The O.As were allowed through order dated 23.05.2016 on the sole ground that the orders were not preceded by any notice or inquiry. Direction was issued for reinstatement as well as the extension of consequential benefits.

3. The respondents filed Writ Petitions No. 3468/2018 and 3487/2018 before the Delhi High Court, feeling aggrieved by the order in the O.A. That order however, was withdrawn on 29.08.2018.

4. The C.Ps are filed alleging that the respondents did not implement the directions issued by a common order passed in the O.As.

5. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the applicants have been reinstated through order dated 29.08.2018. It is also stated that availing the liberty given by the Tribunal in the orders passed in the O.As, inquiry was conducted and on the basis of the findings, a speaking order dated 26.07.2019 was passed, revoking the orders of regularisation.

6. We heard Ms. Vijaya Singh, learned counsel for petitioners, Mr. R. K. Jain for respondent no.1 and Mr. R. V. Sinha, learned counsel for respondents.

7. The O.As were allowed on a short ground namely, violation of principles of natural justice. Though, the respondents made an effort to challenge the orders passed in the O.A, they have ultimately withdrawn the Writ Petitions. They have also reinstated the applicants, but the matter did not rest there. After issuing notice to the applicants, respondents passed a speaking order dated 26.07.2019 withdrawing the orders of their regularisation. The applicants were however, permitted to continue as Leave Substitute Chowkidars.

8. If the applicants feel aggrieved by the order dated 26.07.2019, they have to institute the proceedings separately. If they have any grievance as regards the consequential benefits granted to them in the common order in O.A No. 1710/2013 & O.A. No. 4234/2013, it shall be open to them to make representations indicating the quantum of the consequential benefits. As and when such representations are made, the respondents need to pass orders within a period of four weeks from the date of receipt of filing of representations. If any dues of salary exist, they shall be cleared within a period of two weeks.

9. The Contempt Petitions are accordingly closed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/