

**Central Administrative Tribunal
Principal Bench**

CP No. 385/2017 in
OA No. 2333/2013

Order reserved on : 23.09.2019
Order pronounced on: 11.10.2019

Hon'ble Mr. S.N.Terdal, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)

1. Nathu Ram S/o Late Shri Narain Singh
R/o H.No.52/76A, Street No.22, Anand Parvat,
New Delhi-5
2. Jai Bhagwan S/o Late Shri Balwant Swaroop
R/o W/Z 255/3, Sri Nagar Street No.4
Shakur Basti, Delhi-4
3. Lalit Kumar S/o Dwarka Prasad Gupta
R/o 1/7357, Street No.11, East Gorakh Park,
Shahdara, Delhi-32
4. Bhagat Singh S/o Shri Samay Singh
R/o 1/370, MCF, Bhagat Singh Colony,
Mohana Road, Ballabgarh, Faridabad-121004
5. Satpat S/o Shri Desh Raj
R/o H.No.986, V&PO Pooth Khurd, Delhi-39
6. Sukhvir Singh S/o Shri Chandan Singh
R/o RZ-70 Bajaj Enclave, Kakrola More,
New Delhi-59
7. Jai Kishan S/o Shri Parmanand
R/o A-42, Street No.1, Bhagirathi Vihar,
(Near Brij Puri Pulia), Delhi-94
8. Dharampal S/o Shri Sita Ram
R/o 2818, G.B. Road, Delhi-6

9. Om Prakash S/o Shri Puran Chand
R/o 258A, Paschim Vihar Extn.,
New Delhi-63
 10. Ram Dhan S/o Shri Bhagwan Singh
R/o Village Orangabad (Bhamanwas)
Near Biswa Meal Post Office Jhakholi,
Teh. Sonipat, Haryana
 11. Rashmi Devi W/o Late Shri Khajan Singh
R/o Vill & PO Ghuaman Hera, New Delhi-73
 12. Neelam Kaur W/o Late Shri Harjeet Singh
R/o E/73, DTC Colony, Shadi Pur, New Delhi
 13. Ram Gopal S/o Shri Ram Singh
R/o 133-A, Amar Colony, Kamrudin Nagar, Delhi-41
 14. Vijendra Singh S/o Shri Laxman Singh
R/o B-152A, Durga Vihar, Devli, New Delhi-62
- ... Applicants

(By Advocate: Sh. U. Srivastava)

Versus

1. Sh. Sandeep Kumar, IAS,
Chairman cum Managing Director, DTC
DTC Head Office Indraprastha Estate
New Delhi.
 2. Sh. Yashpal Khurana,
The Senior Manager (P)
DTC Head Office Indraprastha Estate
New Delhi
- ... Respondents

(By Advocate: Shri Umesh Joshi)

ORDER

By Hon'ble Mr. Pradeep Kumar, Member (A)

The applicants herein were appointed by the respondent – DTC as Group-D employees. The promotion channel of these Group-D employees was to the post of Daftry, DMO, Bank Messenger etc. For their grievance relating to such promotions, they had approached the Tribunal in OA No.2333/2013. The decision was pronounced on 15.02.2017 and following orders were given:

“14. Therefore, we dispose of this OA with direction to the respondents to work out the vacancies of the post of Daftry, DMO and Bank Messenger between the period 1998 and 2006 and in case vacancies arise, promote the applicants in the appropriate grades of Daftry and if eligible, as DMO and Bank Messenger. Needless to say, while undertaking this exercise, in case there are vacancies and candidates are eligible, then promotions from Daftry to DMO and from DMO to Bank Messenger should also be carried out as this would create vacancies in the grade of Daftry. In case, this exercise results in promotion of the applicants on a date between 1998 and 2006, then the respondents should fix their pay notionally and in case of retired applicants, refix their pension accordingly. No back wages would be payable. The respondents shall also notify the applicants as Group `C' with effect from 1.01.2006. We fix a time frame of 90 days from the receipt of a certified copy of this order for implementation of our directions. No costs.”

2. The applicants preferred CP No.385/2017 pleading that these orders have not been complied with.

3. The respondents have submitted their compliance affidavit on 06.12.2017. They pleaded that the vacancy position is to be calculated on the basis of current fleet of the

buses at the time of promotion. The position of vacancy of Daftry was accordingly, worked out as per records for the year 1998 to 2006 on the basis of fleet of buses, for each year separately and given in their counter reply. It was brought out that there was always excess staff in the category of Daftry. Accordingly, there was no vacancy in the post of Daftry during the said period and hence applicants were not eligible for promotion to the post of Daftry as well as further promotions thereafter.

4. It was further pleaded that the respondent – DTC had already implemented the enhanced Grade Pay of Rs.1900, Rs.2000 and Rs.2400 to be granted to Class-C employees in the pay scale of Rs.5200-20200 and applicants were treated as Group-C employees w.e.f. 01.01.2006. In this regard, a notification dated 14.03.2018 was also attached, which shows that the post of MTS was classified as Group-C. The applicants were also advised of the compliance of orders in OA No.2333/2013.

5. The respondents also produced a copy of their office order dated 20.09.2019 which indicated that out of 14 applicants, 6 had already retired while the remaining 8 were still working and all of them were treated as MTS Group-C w.e.f. 01.01.2006, in place of Peon/Daftry.

6. The applicants, however, pleaded that this is not a complete compliance of the orders of the Tribunal.

7. Matter has been heard at length. Sh. U.Srivastava, learned counsel represented the applicant and Sh. Umesh Joshi, learned counsel represented the respondents.

8. We find that the orders given by the Tribunal have been complied with. Accordingly, the pleas put forth by the applicants are not acceptable. CP stands closed. Notices are discharged.

(Pradeep Kumar)
Member (A)

(S.N.Terdal)
Member (J)

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