

**Central Administrative Tribunal
Principal Bench New Delhi,**

**CP No. 267/2018
in
OA No. 2389/2015**

This the 4th day of October, 2019

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

1. Ajit
Post : Mali,
S/o Sh. Het Ram
Age 55 years
Posted at : Ambedkar Park, Ward No.178
Green Park Zone, South Zone, SDMC, Delhi
R/o L-268/4, Sangam Vihar, New Delhi – 110080.
2. Sonwa, (Mali) (Retd.)
Aged about 63 years
S/o Sh. Bhuhow
Last posted at : Office of MCD 60 Block, West Zone
Ashok Nagar, SDMC, New Delhi
R/o B-481, Sanjay Colony, Okhla, Phase-II
New Delhi.
3. Gonda Bai, Post: Mali, (Regd.),
W/o Sh. Bhagwat, Age 64 years
Last posted at : O/o DDH, Central Zone, Lajpat Nagar
SDMC, New Delhi, R/o B-336, Sanjay Colony, Okhla
Phase-II, New Delhi.
4. Om Prakash (Chowkidar) (Retd.),
S/o Sh. Nirbhay Singh, age 60 years,
Posted at Ward No. 189, Millennium Park,
Chirag Delhi, Green Park Zone, SDMC, New Delhi,
R/o F-1/110, Sangam Vihar, New Delhi – 110080.
5. Mam /Chand, Mali
S/o Sh. Mangal Sain
Age 66 years
Last posted at : Ward No. 164, Gulmohar Enclave
Green Park Zone, SDMC, New Delhi.

....Applicant

(By Advocate : Shri Pranav Chadha

for Ms. Garima Sachdeva)

Vs.

1. Dr. Puneet Kumar Goel, IAS
Commissioner
South Delhi Municipal Corporation
Dr. SPM Civic Centre, JLN Marg
New Delhi – 110002.
2. Mr. P.K. Gupta, IAS
Commissioner
North Delhi Municipal Corporation
Dr. SPM Civic Centre, JLN Marg
New Delhi – 110002.

...Respondents

(By Advocate : Shri Mayank Joshi for Shri R.K.Jain for R-1
Shri Amit Anand
Shri Upjeet Singh)

Order (Oral)

By Hon'ble Mr. R.N. Singh :

Heard both the learned counsels of the parties.

2. The present Contempt Petition has been filed alleging disobedience of the directions of this Tribunal in order dated 09.01.2017 (C-1) in the above OA. The operative portion of the order/judgment dated 09.01.2017 reads as under :-

"In the circumstances and in view of the aforesaid submissions we permit the applicants to make an appropriate detailed representation indicating their personal particulars available with them and in which municipal corporation they are working at present etc. and also by enclosing the decisions on which they are placing reliance for claiming parity within two

weeks from the date of receipt of a copy of this order. On receipt of such representations from the applicants, the respondents shall consider the same and pass appropriate speaking and reasoned order there on within a period of three months in accordance with law. There shall be no order as to costs."

3. A reply affidavit dated 29.08.2018 has been filed on behalf of respondent no.2 enclosing therein an order dated 04.01.2018 in compliance with the directions of this Tribunal in the aforesaid order. Subsequently, on behalf of respondent no.2 another affidavit dated 07.02.2019 has been filed enclosing therewith Office Orders dated 14.12.2018, 04.09.2018, 23.10.2018, 15.10.2018 and 23.10.2018 etc. indicating the revision of pay of the concerned petitioners granting financial upgradation under Ist , IIInd and IIIrd MACP.

4. Today, when the matter is taken up, the learned counsel appearing for respondent no.1 has also placed on record an affidavit after supplying a copy thereof to the learned counsel for the petitioner. In the said affidavit, the respondents have annexed Office Order dated 06.12.2018 wherein it has been ordered that of DDHs of SDMC have been requested to take action regarding ACP cases which has been decided in the meeting along with orders of

revision of pay granting the benefits of pay upgradation under the relevant scheme.

5. The learned counsel for the petitioner submits that though the compliance order has been passed and even the order of fixation has been done but actual benefits have not been disbursed to the petitioners.

6. The learned counsel for the respondents submits that they are not aware about this fact.

7. Be that as it may, we find that the substantial compliance has been done by the respondents, however, actual benefits have not been disbursed by the respondents to the petitioner. In this view of the matter, the present C.P. is disposed of with the order that the needful shall be done by the respondents, positively, within three months, failing which the applicant shall be at liberty to move appropriate application for revival of the contempt proceeding and in that case serious view may be taken in the case.

8. Accordingly the CP is closed, Notices are discharged.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

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