



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No. 2505/2014
with
OA No. 2855/2015**

New Delhi, this the 06th day of December, 2019

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

1. OA No. 2505/2014.

1. Hari Mohan Sharma, Sanitary Inspector (SI),
S/o Sh. Ulfat Ram,
R/o B-54, Khan Pur, New Delhi.
2. Manoj Kumar, Sanitary Inspector (SI),
S/o Sh. D. K. Yadav,
R/o F-70, Sector -39, Noida.
3. Rajesh Kumar, Sanitary Inspector (SI),
S/o Sh. Satya Parkash,
R/o. V.P.O. Badli, Distt. Jhajjar,
Haryana-124105.
4. Kuldeep Singh Yadav, Sanitary Inspector (SI),
S/o Sh. Kanwal Singh,
R/o House No. 33, Nangaloi Village,
Delhi – 110041.

...Applicants

(By Advocate: Mr. M.K. Bhardwaj)

Versus

1. South Delhi Municipal Corporation,
Through its Commissioner,
17th Floor, Dr. S.P. Mukerjee, Civic Centre,
J.L.N. Marg, Minto Road, Delhi – 110002.
2. Sh. Rajender Singh Kundu,
S/o Sh. Hari Singh Kundu,
Chief Sanitary Inspector,
Posted at South Zone, Green Park,
South Delhi Municipal Corporation,

New Delhi.



3. Sh. S. N. Vashisth, CSI,
S.D.M.C. office Najafgah Zone,
Dhansa Stand,
New Delhi- 110043.
4. Sh. Kishan Chand Bharadwaj,
S/o Chander Bhan Bhardwaj,
Chief Sanitary Inspector,
Posted at South Zone, Green Park,
South Delhi Municipal Corporation,
New Delhi.

...Respondents

(By Advocate: Mr. Yogesh Sharma, Mr. S. K. Tripathi for Mr. Gyanendra Singh)

2. OA No. 2855/2015.

1. Mr. Hari Mohan Sharma,
S/o Sh. Ulfat Ram,
R/o B-54, Khan Pur, N. Delhi – 110062,
Working as Sanitary Inspector with SDMC,
Aged about 54 years.
2. Mr. Manoj Kumar, S/o Sh. D. K. Yadav,
R/o F-70, Sector -39, Noida-201301,
Working as Sanitary Inspector with SDMC,
Aged about 52 years.
3. Mr. Rajesh Kumar, S/o Sh. Satya Parkash,
R/o. V.P.O. Badli, Distt. Jhajjar,
Haryana-124105,
Working as Sanitary Inspector with SDMC,
Aged about 48 years.
4. Kuldeep Singh Yadav,
S/o Sh. Kanwal Singh,
R/o House No. 33, Nangaloi Village,
Delhi – 110041,
Working as Sanitary Inspector with SDMC,
Aged about 50 years.

...Applicants

(By Advocate: Mr. M.K. Bhardwaj)

Versus



1. South Delhi Municipal Corporation,
Through Commissioner,
Dr. SPM, Civic Centre,
Minto Road, N. Delhi – 110002.
2. Mr. Rajender Singh Kundu,
S/o Sh. Hari Singh Kundu,
Chief Sanitary Inspector,
R/o, C-2/47, Raju Park,
Devli Road, New Delhi – 110062.
3. Shri. S. N. Vasishtha,
S/o Sh. Dharam Singh,
Chief Sanitary Inspector,
H. No. 8, Pocket A-3,
Sector 11, Rohini, New Delhi – 110085.
4. Shri Kishan Chand Bharadwaj,
S/o Chander Bhan Bhardwaj,
Chief Sanitary Inspector,
A-44, Panchsheel Vihar,
Malviya Nagar, New Delhi – 110017.
5. Shri A. K. Singh,
The then Additonal Commissioner,
MCD, New Delhi.

...Respondents

(By Advocate: Mr. Yogesh Sharma, Ms. Anupama Bansal)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The subject matter of both these OAs is almost similar. Hence, they are being disposed of through a common order.

2. The applicants were initially appointed in Municipal Corporation of Delhi (for short, MCD) as



Assistant Sanitary Inspectors (ASI) on Muster Roll in the year 1982. Thereafter, they were regularized in the year 1987. The grievance of the applicants is that the MCD has regularized the services of their juniors i.e. Private Respondents No. 02, 03 and 04 w.e.f. the year, 1982. They contend that the private respondents were not senior to them in any way and though they were regularized through orders of subsequent date, they were sought to be placed above them in the seniority.

3. Respondent No. 01 on the one hand and Respondents No. 02, 03 and 04 filed separate counter affidavits. According to them the OA is not maintainable, since it is filed long after expiry of limitation. It is stated that the OA is bereft of particulars and even the orders through which the services of Respondents No. 02, 03 and 04 were regularized are not filed.

4. The applicants filed rejoinder dealing with the counter affidavit.

5. We heard Mr. M. K. Bhardwaj, learned counsel for the applicants and Mr. Yogesh Sharma, Ms. Anupama Bansal and Mr. S. K. Tripathi for



Mr. Gyanendra Singh, learned counsel for the respondents.

6. The applicants have filed the seniority list dated 17.11.1987 for the post of ASI in the Corporation. The names of the applicants figure therein and it is also a fact that the names of Respondent No. 02, 03 and 04 did not figure. However, the applicants have not filed any subsequent seniority list wherein the Respondents No. 02, 03 and 04 are placed above them. Added to that, the applicants did not file the orders through which the Respondents No. 02, 03 and 04 were regularized w.e.f. the dates, earlier to their regularization. Unless such orders are put in issue with necessary facts, supported by provision of law, we find it difficult to undertake any effective adjudication. The record discloses that the regularisation of the private respondents was on the basis of orders of Courts. If the applicants did not have any material in their possession they can take recourse to law. As the things stand now, the prayer and grievance of the applicants are incapable of being redressed.



7. We, therefore, dismiss the OA. This, however, shall be without prejudice to the rights of the applicants in accordance with law. MAs, if any, shall stand disposed of. There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

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