
(2020) 09 CAT CK 0088

In the Central Administrative Tribunal

Case No : Original Application No. 1377 Of 2020, Miscellaneous Application No. 1727, 1726 Of 2020

Parkash & Others

APPELLANT

Vs

New Delhi Municipal Council

RESPONDENT

Date of Decision : 28-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0088

Hon'ble Judges : R.N. Singh, Member (J); Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Surinder Kmar Bhasin, Sriparna Chatterjee

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. The applicants, 96 in numbers, working as SafaiKaramchari, Sewerman and Sewermate, have approached this Tribunal by way of the present OA seeking the following reliefs:-

- "i) Call for the relevant file(s)/record(s) of the Respondent and peruse the same;
- ii) Pass an order thereby quashing and setting aside the illegal, irregular and perverse para vii. of Office Order No. 19(1)/SecyEstt./816/2406/2016 dated 27.12.2017(Impugned) {(Annexure A1 (COLLY) (Impugned) pages 42-46 of OA}, issued by the Respondent providing therein as under:

All the posts which have been granted DTL pay scales of Rs. 3050-4845/- and Rs. 3200-4985/- w.e.f. 01.04.1998 will be granted merged replacement pay scale of Rs. 3200-4985/- w.e.f. 15.11.1999, subsequent replacement pay scale as on 01.01.2006 and 1st and 2nd TBPS to the pay scale of Rs. 3200-5155/- and Rs. 4000-6000 as per their entitlement subject to fulfillment of terms and conditions of TBPS.

- iii) to further direct the Respondent to immediately fix up the pay of the

Applicants as SafaiKaramchari under 5th DTL in the Pay Scale of Rs. 3050-4845 upgraded to Rs. 3200-85-4985 w.e.f. 15.11.1999 and under 6th DTL w.e.f. 1.1.2006 in the Pay Scale of (PB-1) Rs. 6000-20200 + GP 2000 and as Sewerman working in the 5th DTL Pay Scale of Rs. 3200-85-4985 upgraded to 3200-85-5155 w.e.f. 15.11.99 under 6th DTL Pay Scale w.e.f. 1.1.2006 in the pay scale of (PB-1) Rs. 6000-20200 + GP 2200 and that of Sewermate working in the 5th DTL Pay Scale of 3200-85-5155 upgraded to pay scale of Rs. 4000-100-6000 w.e.f. 15.11.99 under 6th DTL Pay Scale w.e.f. 1.1.2006 in the pay scale of (PB-1) Rs. 6000-20200 + GP 2400.

iv) to further direct the Respondent that in case they propose to merge the cadre of Safaikaramchari and Sewerman and or Sewerman, it should first be seen by the Respondent, if the posts in these two/three scales can be merged without functional disturbance. If possible, this should be done. In case it is not feasible to merge the posts in these pay scales on functional considerations, the posts in the scale of Rs.6000-20200 with Grade Pay of Rs. 2000, Rs. 2200 and Rs. 2400, with the post in the scale of Rs. Rs.6000-20200 + G.P. 2200 being upgraded to the next higher grade in pay band i.e. to the grade pay of Rs. 2400 corresponding to the pre-revised pay scale of Rs.6000-20200. In case a post already exists in the scale of Rs.6000-20200 + G.P. Rs. 2400, the post being upgraded from the scale of Rs.6000-20200 + G.P. 2200/2200 should be merged with the post in the scale of Rs.6000-20200 + G.P. 2400.

Further, the Respondents NDMC be directed that while issuing the aforesaid Office Order of Merger of the Pay Scales of SafaiKaramchari and Sewerman and or Sewermate they should consider and comply with the requirements of Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) clarifications issued under Office Memorandum F.No.35034/1/97-Estt(D)(Vol.IV) dated February 10, 2000 (Sl. No. 52).

(v) Award cost of this application and proceedings against the Respondent and in favour of Applicants.

(vi) Grant such other and further relief(s) as deemed fit and proper in the facts and circumstances of the case."

2. Learned counsel for the applicants argues that it is an admitted case of the respondents that there is anomaly in the pay of the applicants and accordingly for redressal of their grievances, the applicants have made representations to the competent authority of the respondents and the respondents have informed the applicants vide their communication dated 16.8.2019 and again vide another communication dated 23.12.2019 that the matter is pending consideration of the competent authority.

3. Issue notice.

4. Ms. Sriparna Chatterjee, learned counsel, who is stated to be a nodal counsel

for the respondents and upon whom a copy of the present OA has also been served by the learned counsel for the applicant, is called upon to appear in the matter. Accordingly, Ms. Chatterjee, learned counsel, appears and accepts notice.

5. Shri Bhasin, learned counsel for the applicants, submits that the applicants are identically placed and identical reliefs have been sought by the applicants. Keeping in view the facts and circumstances as referred to in the MA No.1726/2020, the MA 1726/2020 seeking permission to file the aforesaid OA jointly is allowed.

6. At this stage, Shri Bhasin, learned counsel for the applicants, submits that the applicants shall be satisfied if the present OA is disposed of with direction to the respondents to consider the applicant's pending representations and to dispose of the same by passing an appropriate reasoned and speaking order keeping in view the relevant facts and law on the subject.

7. We are of the considered view that if such a request of learned counsel for the applicants is acceded to, no prejudice is likely to be caused to the respondents.

8. In view of the aforesaid, without going into the merit of the claim of the applicants, the present OA is disposed of with direction to the respondents to consider the pending representation of the applicants and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within a period of 12 weeks from the date of receipt of a copy of this Order.

9. The OA is disposed of in the aforesaid terms. However, in the facts and circumstances, there shall be no order as to costs.