
(2021) 03 CAT CK 0134

In the Central Administrative Tribunal

Case No : Original Application No. 670 Of 2021, Miscellaneous Application No. 861 Of 2021

Vikas Debas & Others

APPELLANT

Vs

North Delhi Municipal Corporation

RESPONDENT

Date of Decision : 24-03-2021

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2021) 03 CAT CK 0134

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

Bench : Division Bench

Advocate : Pragnya Routray, Arun Birbal

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (A)

1. The present application has been filed by the applicants under section 19 of the AT Act, 1985, seeking following reliefs:-

a. Issue an order/direction to the respondents to revise the salaries of the Applicants in terms of the order passed in CWP no 3769/16 and grant them salary, allowances such as HRA, PCA, TA, DA, Medical Allowances and other allowances and other benefits as being given to their co-workers regular AMIs from the date of their initial appointment and other consequential benefits including arrears thereof.

b. Issue appropriate order/direction to the respondent to grant the of the Applicants salary in the proper pay scale and other allowances such as given to their co workers in the OA 3784/15 vide order dated 5.42017 and order dated 14.1.2020 as passed in CWP no 3744/18.

c. Issue an order/direction to impose exemplary cost on the respondent.

d. And pass such other or further order(s) as may be deemed fit and proper in

facts and circumstances of the present case."

2. Learned counsel for the applicants argues that despite the fact that identical issue as raised in the present OA has already been adjudicated in OA No.3784/2015 by this Tribunal and the same has been upheld by the Hon'ble High Court of Delhi vide Order/Judgment dated 31.01.2018 in WP(C) No. 755/2018 (Annexure A-6), the respondents have not accorded the benefits of that judgment though the applicants are similarly placed. She further argues that being aggrieved of non-grant of the said benefits to the applicants, the applicants have preferred representations dated 22.02.2021, 23.02.2021, 24.02.2021 & 05.03.2021 [Annexure A-10 (Colly)] and even thereafter also the benefits have not been given to the applicants and in such facts and circumstances, the applicants have approached this Tribunal.

3. Issue notice. Shri Arun Birbal, learned counsel, who appears for the respondents on advance service, accepts notice.

4. Learned counsel for the applicants, at this stage, submits that applicants will be satisfied if the present OA is disposed of at this stage with directions to the respondents to consider the applicants' aforesaid pending representations dated 22.02.2021, 23.02.2021, 24.02.2021 & 05.03.2021 [Annexure A-10 (Colly)] and to dispose of the same in a time bound manner.

5. We have considered the submissions made by the learned counsel for the applicants and we are of the considered view that if such request of the learned counsel for the applicants is accepted, no prejudice is likely to be caused to the respondents.

6. In view of the aforesaid facts and circumstances, without going into the merit of the claim of the applicants, we dispose of the present OA with direction to the respondents to consider the applicant's aforesaid pending representations dated 22.02.2021, 23.02.2021, 24.02.2021 & 05.03.2021 [Annexure A-10 (Colly)] and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within ten weeks from the date of receipt of a copy of this Order.

7. The OA is disposed of in terms of aforesaid. No order as to costs. Pending MA also stands disposed of accordingly.