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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 920/2018, CM APPL. 3851/2018 (exemption) and CM APPL.3852/2018 (for taking on record additional documents)

PARVEEN SHARMA

..... Petitioner

Through: Ms Rashmi Chopra, Adv.

versus

THE CHAIRMAN, NDMC & ORS

..... Respondents

Through: Mr Vivek B. Saharya, Additional Standing Counsel and Mr N. Verma, Adv. for NDMC along with Mr Rakesh Verma, Head Assistant, NDMC

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **20.02.2018**

1. Notice. Mr Saharya, learned counsel for New Delhi Municipal Council (NDMC) appears on advance notice.

2. The brief facts leading to filing of the present petition are as follows:-

a) The petitioner had filed the subject Original Application, being OA No.4456/2014 titled as *Praveen Sharma vs. New Delhi Municipal Council*, seeking *inter alia* the following relief:-

“(iv) quash and set aside the order dated 26.08.2014 to the extent RMR status was granted with immediate effect and not w.e.f. 31.12.1998”

b) The above extracted prayer was predicated on the Office Order dated 26.08.2014 issued by NDMC, wherein it had been observed that the petitioner having worked on TMR basis in Auto Workshop, Laxmibai

Nagar, was to be granted RMR Status on Group 'D' post as ALM, with immediate effect.

c) The solitary ground of challenge on behalf of the petitioner in the present petition is to the effect that, the above-stated prayer to the extent that RMR status ought to have been granted with effect from 31.12.1998, the date on which the petitioner is asserted to have been entitled thereto in accordance with the Circular No.OS(E)/2206/SC-III dated 21.09.1995 and not with effect from 26.08.2014, as granted; was not considered and dealt by the learned Central Administrative Tribunal in the impugned order.

3. On a specific query from the Bench, after a perusal of the impugned order, learned counsel appearing on behalf of the NDMC has not been able to point out the relevant portion of the impugned order which dealt with the above-stated issue.

4. In view of the foregoing and with the consent of the counsel for the parties, the impugned order, inasmuch as, it does not deal with the above stated prayer; is set aside and quashed and the said issue is remitted back to the learned Central Administrative Tribunal to be determined in accordance with law.

5. In view of the circumstance that the present *lis* between the parties is the third round of litigation *inter se*, it is hoped and expected that the learned Central Administrative Tribunal would determine the solitary issue remanded back to it expeditiously and preferably within a period of three months from the date on which the original application is listed before it, in terms of the present order.

6. List the matter before the learned Central Administrative Tribunal for further proceedings in accordance with the directions issued hereinabove on 01.03.2018.

7. Copy of this order be sent to Registrar, Principal Bench, Central

Administrative Tribunal, for information and compliance.

8. Copy of this order be also given *dasti* under the signature of Court Master to both the parties.
9. The writ petition along with the pending applications is disposed off.

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

FEBRUARY 20, 2018

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