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

+ **W.P.(C) 186/2018**

NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Ms. Biji Rajesh, Advocate for
Mr.Gaurang Kanth, Advocate.

versus

JAWAHAR SINGH AND ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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14.11.2018

W.P.(C) 186/2018 with CM APPL. 47278/2018 (for stay)

1. The petitioner has preferred this application to seek stay of the proceedings before the Central Administrative Tribunal, Principal Bench, New Delhi ('the Tribunal'), which is proceeding with the contempt petition against the Officers of the petitioner.

2. In the present writ petition the petitioner has assailed the order dated 09.05.2012 passed by the Tribunal in O.A. No.1261/2011. When the writ petition was taken up on 09.01.2018, the petitioner was directed to file an affidavit explaining the inordinate delay in filing the present writ petition. On the last date i.e. 06.07.2018, the petitioner had sought further time to file an affidavit to explain the delay and the matter was adjourned to 27.11.2018. In the meantime, the present application (CM APPL. 47278/2018) has been

filed and in this application, the petitioner has sought to furnish the explanation for the delay. The explanation furnished by the petitioner is that some of the officers retired and did not take steps for assailing the impugned order. We are not satisfied with the said explanation. The respondents are mere *Chowkidars* serving with the petitioner. It cannot be said that they could possibly have any role in preventing the petitioner from assailing the impugned order, if, the petitioner so decided. A perusal of the impugned order shows that the respondents have been granted the relief on the basis of the parity, which they sought with other *Chowkidars*, who had similarly been granted relief by the Tribunal in T.A. No.230/2009. Pertinently, the decision of the Tribunal in T.A. No.230/2009 was accepted by the petitioner and not assailed. To us, it appears that the petitioner consciously did not assail the impugned order earlier in applying the same policy decision to accede to the decision of the Tribunal in T.A. No.230/2009. It appears that now the petitioner has woken up to assail the order only on account of the financial implications that it would be faced with if they were to implement the impugned order and grant the pay-scale of `210-250 to the respondents from the date of their appointment i.e. 03.01.1985 notionally and fit them in appropriate grade after taking into account the revision of the pay-scale. We may also observe that the Tribunal has limited the relief granted to the respondents by granting arrears on the basis of the revised salary only from the date of filing of the OA i.e. 23.03.2011, even though, they were appointed way-back on 03.01.1985.

3. Keeping in view the aforesaid circumstances, we find no justification for the immense delay in filing the writ petition and the application

accordingly stands dismissed.

4. Even on merits, we do not find any substance in the petition and the same is accordingly dismissed. The matter need not be listed on 27.11.2018.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 14, 2018

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