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

+ W.P.(C) 6975/2018

SAIYAD MUDASSIR HAYAT MENHDI Petitioner
Through Mr. Anuj Aggarwal, Mr. Tenzing
Thinlap Lepcha and Mr. Saurabh
Ahuja, Advs.
versus

EAST DELHI MUNICIPAL CORPORATION (EDMC) & ANR
..... Respondents
Through Ms. Jainkriti S. Jadeja, Adv. with
Mr.Chandradhama, UDC, EDMC.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **06.02.2019**

The petitioner assails the order dated 22.09.2017 passed by the Central Administrative Tribunal, Principal Bench (CAT) in OA No.1692/2015. The Tribunal had rejected the said OA while rejecting the M.A. No. 1546/2015, whereby he sought condonation of delay of 1169 in filing the OA.

The claim of the petitioner was that though he was working as Mate on daily wage basis, his services were regularized in the lower post of Beldar w.e.f. 01.04.2006 vide order dated 14.02.2011. He sought regularisation on the post of Mate by contending that the respondent has policy of regularization on point to point basis. Since the OA was preferred only in 2015, the same had been rejected by the Tribunal as barred by

limitation.

Mr. Aggarwal, learned counsel for the petitioner submits that even after his regularization, the petitioner had, in fact, been serving in the position of Mate. His submission is that such continuous service of petitioner gives a fresh and continuous cause of action. He submits that the Tribunal could have restricted the relief prospectively, and not granted any relief in respect of the period for which the claim was barred by limitation.

Learned counsel for the respondent submits that the Administrative Corporation is the North Delhi Municipal Corporation, which has not been impleaded as a party respondent.

In the peculiar facts of this case, we set aside the impugned order passed by the Tribunal. We, however, make it clear that this order shall not form a precedent in other cases. The matter is remanded back to the Tribunal for consideration on merits. However, in case the Tribunal finds merit in the petitioner's claim, the same shall be restricted for the period for which the claim is not found barred by limitation.

The petitioner states that he shall implead North Delhi Municipal Corporation as a party respondent in the OA. The petitioner is permitted to do so. He shall file the amended memo of parties within two weeks.

List the OA before the Tribunal, on 21.02.2019.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 06, 2019/rc