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

+ **W.P.(C) 4933/2016**

SUSHILA TRIPATHI & ORS

..... Petitioner

Through: Mr. Zaryab J. Rizvi, Ms. Firdouse
Qutbwani and Mr. Sajjad Qutbwani,
Advocates

Versus

NEW DELHI MUNICIPAL COUNCIL & ORS Respondent

Through: Ms. Kriti Sinha, proxy counsel for
Mr.Sri Harsha Peechara, ASC for R-1

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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18.11.2019

1. After the order dated 18th December, 2013 passed by the Central Administrative Tribunal (CAT) in TA No. 45/2012, the Petitioners have filed a contempt petition in which an order was passed by the CAT on 30th July, 2014 granting liberty to the Petitioners to revive the contempt petition in case the arrears were not paid. Thereafter, another application was filed in the disposed of contempt petition which came to be disposed of by the CAT on 14th October, 2015.

2. Notwithstanding that, the Petitioners filed yet another application for clarification, which came to be disposed of by the CAT by order dated

9th March 2016.

3. The Petitioners have not chosen to challenge any of the orders of the CAT subsequent to the order dated 18th December 2013. The grievance is that the orders issued by the Respondents thus far have not fully implemented the judgment dated 18th December, 2013 passed by the CAT, which is the main judgment.

4. The jurisdiction of this Court under Article 226 of the Constitution has been carved out pursuant to the judgment of the Supreme Court in ***L. Chandra Kumar v. Union of India (1997) 3 SCC 261***. It is clear that in matters concerning the Administrative Tribunals Act, 1985 and orders thereunder, it is the CAT which is the forum of the first instance.

5. Some of the grievances of the Petitioners are about the determination of the correct date for the purposes of pay fixation and grant of ACP benefits. These constitute separate causes of action for which it would be open to the Petitioners to first approach the CAT in accordance with law.

6. Considering that the Petitioners have been in this Court since 2016, the Court considers it appropriate to direct that for a period of three months from today, the interim orders passed by this Court on 27th May, 2016 will continue, viz., that there will be no recoveries made from the Petitioners. Thereafter, it would be the CAT which would pass

appropriate orders in accordance with law.

7. If the Respondents raise any issue concerning delay in the fresh proceedings to be instituted before the CAT, the Petitioners are permitted to rely on the fact that the present petition had been pending in this Court for over three years.

8. The petition is disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 18, 2019

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