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

% **Decision delivered on: 11.09.2024**

+ **W.P.(C) 1349/2020**

A.K. PATHAK & ORS.

.....Petitioners

Through: Mr. M.K. Bhardwaj, Ms. Priyanka
M. Bhardwaj and Mr. Arun
Parkash, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL THROUGH ITS
CHAIRMAN & ANR

.....Respondents

Through: Mr. Vaibhav Agnihotri, ASC for
NDMC

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

J U D G M E N T (O R A L)

1. By way of the present writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioners have sought the following reliefs:

“(i) To quash and set aside the impugned order dated 31.05.2019 in CP No. 663/2018 in OA No. 3921/2017 passed by Principal Bench, Central Administrative Tribunal, New Delhi and direct the respondents to implement the order of Hon'ble Tribunal dated 09.11.2017 in OA No.



3921/2017 by granting 2nd / 3rd TBP Scale/ DTL Scale to the petitioners in the scale of Rs. 37400-67000 with grade pay of Rs. 8900 on completion of 18/26 years of service with all consequential benefits at par with applicants in OA No. 1366/2016.

(ii) To allow the Writ Petition with exemplary cost.

(iii) To pass such other and further order which their Lordships of this Hon'ble High Court deem fit and proper may please be passed."

2. Learned counsel for the petitioners has drawn the attention of this Court to paragraph 9.3 of the order dated 28.05.2019 passed by Joint Director (Civil) and the same is reproduced as under:

"9.3 Separately NDMC has filed SLP No. 5463/2018 against the judgment dated 27.07.2017 of Hon'ble High Court in W.P. No. 5139/2017 which was filed against the Hon'ble CAT, Principal Bench judgment dated 16.02.2017 in O.A. No. 1366/2016 filed by Shri William Parasar and others. The issue relating to grant of 3rd TBPS to the pay scale of the post of Superintending Engineer, raised by Shri A.K. Pathak and Others is thus sub-judice and no further action can be taken till the decision of Hon'ble Supreme Court."

3. The issue pending before the Hon'ble Supreme Court has already been decided and dismissed vide order dated 30.04.2024 in SLP Civil No. 5463/2018 in the case titled *New Delhi Municipal Council vs. William Parasher & Ors.*

4. Keeping in view the order passed by the Hon'ble Supreme Court in the case mentioned above, the respondents are directed to pass fresh orders within four weeks. The same shall be communicated to the petitioners within one week and if they are found to be eligible, the benefits shall be given within four weeks thereafter.

5. It is needless to state that in case the petitioners are still aggrieved,



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they may challenge the same before the appropriate forum.

6. In view of the above, the present petition stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

SEPTEMBER 11, 2024/riya