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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13808/2019 & CM APPL. 55475/2019 -Stay.**
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ANR. Petitioners

Through: Mr. S.K.Mishra and Mr. Pankaj
Balwan, Advs.

versus

DELHI FLOOD CONTROL MAZDOOR UNION & ORS.

..... Respondents

Through: Mr. Manoj Joshi, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

30.04.2024

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1. The present writ petition under Articles 226 and 227 of Constitution of India seeks to assail the order dated 06.09.2018 passed by the learned Central Administrative Tribunal in OA No. 813/2014. Vide the impugned order, the learned Tribunal has allowed the original application filed by the respondent/applicant by relying on its decision dated 10.08.2001 in OA No. 154/2002.

2. It is the common case of the parties that the aforesaid decision dated 10.08.2001 was assailed before this Court in W.P.(C) 514/2002 which petition came to be rejected on 14.07.2016 vide a detailed order by this Court after noticing that in the absence of any notified rules and regulations governing the service conditions of the employees of the Delhi Flood Control Department, the Department had been following the CPWD Charter as also the corresponding rules and regulations of the CPWD. It is also an



admitted position that the Court's order dated 14.07.2016 was unsuccessfully assailed before the Apex Court, as also by way of a review petition which was also rejected.

3. Learned counsel for the petitioners vehemently submits that since the Flood Control Department has its own notified rules which came into effect on 24.03.2005 and therefore the respondents cannot claim benefits under CPWD rules. In the light of the findings of this Court in W.P.(C) 514/2002 that the employees of the petitioners were being governed by the rules of the CPWD as also the fact that the claim of the respondents pertains to a period much prior to the promulgation of the recruitment rules by the petitioners, we are unable to agree with the petitioners. The rules promulgated by the petitioners cannot, in any manner, curtail the benefits which had already accrued to the employees before the said rules came into force. We, therefore, find no infirmity with the impugned order.

4. The writ petition being meritless, is accordingly, alongwith the accompanying application dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

APRIL 30, 2024/rr