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

+ **CONT.CAS(C) 290/2019**

YOGENDER ASWAL

.....Petitioner

Through: Mr. Ankur Chhibber and Mr.
Anshuman Mehrotra, Advocates.

versus

RAJENDRA PRASAD SATI ,DIRECTOR NDMC....Respondent

Through: Ms. Zubeda Begum, SC with Mr.
Tushar Sannu, Ms. Ishita Mohanty and
Ms. Ishika Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

06.01.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 11 and 12 of the Contempt of Courts Act, 1971, seeks the following prayers:

“(i) Pass an order issuing contempt against the Respondents and punish them in accordance with law for the contempt of the order dated 04.10.2018 passed in WP(C) No. 2337/2013;
(ii) Pass any such orders as the Hon’ble Court may deem fit in the light of above mentioned facts and circumstances of the case.”

3. *Vide* judgment dated 23.08.2018 in TA No. 30/2011, the learned CAT, Principal Bench, New Delhi had passed the following directions:

“10. In the above facts and circumstances of the case, we allow this TA with the direction to the Respondents to grant pay scale to the various categories of the Draftsmen working with them in their Electrical Department at par with the corresponding categories of draftsman working in DESU w.e.f. 01.04.1972 in terms of resolution No.1 dated 07.01.1974 passed by the Council of the Respondent NDMC, within a period of three months from the date of receipt of a copy of this order, under intimation to the Applicant



with all consequential benefits. The Respondents shall also re-fix the pay of the Applicants from the aforesaid date and accordingly and pay up-to-date arrears within the aforesaid period. There shall be no order as to costs.”

4. Subsequently, the aforesaid order was challenged by the respondent in W.P.(C) 2337/2013 and connected matter and *vide* judgement dated 04.10.2018, the learned Division Bench while dismissing the aforesaid petitions had passed the following order:

8. It is apparent from the factual narrative that S.S. Committee was constituted undoubtedly to address the pay scales concern and the anomalies which then existed in the erstwhile DESU/DVB: to that extent, the NDMC has a point. But the matter does not stop here. The pay scales which the DESU/DVB granted to its employees on various dates in the years 1974, 1986 etc. fueled unrest in other organisations. One such is erstwhile New Delhi Municipal Committee, the employment to which the present respondents and other class belong. Their grievance led NDMC i.e. the petitioners before the court adopting SS Committee's recommendations with respect to various cadres. Thus, parity was something that the NDMC itself recognized and gave effect to entirely on the basis of SS Committee. Having done that at the time of fitment and fixation in the later pay scales, which were prescribed for various classes of posts in implementation of pay Commission's recommendation arose, the NDMC could not have - consistent that its past conduct, ignore the previous parity and refuse to accord the replacement scales. Both the orders of the CAT - though they deal with the different cadre in the NDMC, are premised upon the logic i.e. parity once established, cannot be ignored except for good and valid reasons. No reasons were forthcoming in either of the proceedings which the respondent/applicants initiated before the CAT, to justify disparity which had ensued on account of erroneous implementation of 6th Pay Commission's recommendations. Consequent directions by the CAT were therefore reasonable and justified. The conclusions in the impugned order are sound and therefore, do not call for any interference by this Court. The petitioners are therefore directed to give effect to CAT's orders within ten weeks from today and pass individual pay fixation and



fitment orders.”

5. Subsequent thereto, an office order dated 27.12.2019, regarding the pay fixation of the petitioner in compliance of the aforesaid directions, was passed by the respondents/NDMC, and the same is reproduced as under: -

APR 16/20 - 21 (8)

Subject :- Pay fixation of Sh. Yogender Aswal, Sr. Draftsman (Elect) Deptt in reference to the Revision of Pay Scales from CPC into (DESU/DVB/DTL) pay scales w.e.f 01.04.1972.

In terms of Office Order No. SO [EE-II]/1048/CA-I/2019 dated 17.07.2019. in pursuance of Hon'ble Principal Bench, CAT, New Delhi Order dated 12.07.2010 in T.A. No. 280/2009 with T.A. No. 943/2009 titled as NDMC vs NDMC Auto Workshop Employees Association and W.P (C) No. 2337/2013 titled as NDMC vs M. P. Dwivedi & Ors. and with the prior approval of Competent Authority in NDMC, the pay scales of the post of Mechanic(Auto)/ Head Draftsman/Sr. Draftsman have been revised into DESU/DVB/DTL pay scales w.e.f. 01.04.1972 (Resolution No. 1 dated 07.01.1974) and further revised into DESU/DVB/DTL pay scales w.e.f. 01.01.1978 with condition that no arrear shall be paid for the period w.e.f 01.01.1978 to 30.06.1981 (Resolution No. 24 dated 17.09.1982) & the benefit of the aforesaid Judgement/Order is extended to retired/working Mechanic(Auto)/ Head Draftsman/Sr. Draftsman who were/are petitioners in the aforesaid case.

Accordingly pay has been fixed in r/o Sh. Yogender Aswal, Sr. Draftsman w.e.f. 22.02.1993 date of initial appointment as under:-

Existing pay as on 22.02.1993 in the pay scale of Rs. 1200-30-1560-EB-40-2040-50-2190	Pay is fixed in the revised pay scale of Rs.1350-30-1440-40-1800-EB-50-2300-60-2600-75-2750 w.e.f 22-02-1993 (DESU/DVB/DTL) as under:-
Rs. 1200/- w.e.f. 06.04.1994	Rs. 1350 w.e.f. 22.02.1993
	Rs. 1380 w.e.f. 01.02.1994
	Rs. 1410 w.e.f. 01.02.1995
Rs.1350-30-1440-40-1800-EB-50-2300-60-2600-75-2750	Further pay is fixed in the revised 5 th (DESU/DVB/DTL) w.e.f. 01.01.1996 of Rs. 5000-150-2600 as under:-
Rs. 1410/- as on 01.01.1996	Rs. 5000 w.e.f. 01.01.1996
	Rs. 5150 w.e.f. 01.02.1996
	Rs. 5300 w.e.f. 01.02.1997
	Rs. 5450 w.e.f. 01.02.1998
	Rs. 5600 w.e.f. 01.02.1999
	Rs. 5750 w.e.f. 01.02.2000
	Rs. 5900 w.e.f. 01.02.2001
	Rs. 6050 w.e.f. 01.02.2002
	Further, he is promoted as Sr. Draftsman w.e.f. 28.10.2002(A/N) in the pay scale of Rs. 5500-175-9175 vide O.O.NO. 2950/SA-III dt. 28.11.2002 at page 128/c
	Rs. 6375 w.e.f. 28.10.2002
	Rs. 6550 w.e.f. 01.10.2003
	Rs. 6725 w.e.f. 01.10.2004
	Rs. 6900 w.e.f. 01.10.2005
Existing pay of Rs. 6900 as on 01.01.2006 in the pay scale of Rs. 5500-175-9175	Further pay may be revised in 6 th DTL pay scale of Rs. 10900-34800 + GP 3800 w.e.f. 01.01.2006 & pay is fixed as under:-
Rs. 6900/- w.e.f 01.10.2005	Rs. 14230 + 3800 G.P. w.e.f 01.01.2006
	Rs. 14770 + 3800 G.P. w.e.f. 01.07.2006
	Rs. 15330 + 3800 G.P. w.e.f. 01.07.2007
	Rs. 15910 + 3800 G.P. w.e.f. 01.07.2008
	Rs. 16510 + 3800 G.P. w.e.f. 01.07.2009
	Rs. 17120 + 3800 G.P. w.e.f. 01.07.2010
	Further he may be granted 2nd TBPS w.e.f. 22.02.2011 in the pay scale of Rs. 10900-34800 + 4800 GP (DTL pay scale) & pay is fixed as under:-
	Rs. 17120 + 4800 G.P. w.e.f. 22.02.2011
	Rs. 18400 + 4800 G.P. w.e.f. 01.07.2011
	Rs. 19100 + 4800 G.P. w.e.f. 01.07.2012

T.C



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	Rs. 19820 + 4800 G.P.w.e.f. 01.07.2013
	Rs. 20560 + 4800 G.P. w.e.f. 01.07.2014
	Rs. 21320 + 4800 G.P. w.e.f. 01.07.2015
	Rs. 22110 + 4800 G.P. w.e.f. 01.07.2016
	Rs. 22920 + 4800 G.P.w.e.f. 01.07.2017
	Rs. 23760 + 4800 G.P. w.e.f. 01.07.2018
	Rs. 24620 + 4800 G.P. w.e.f. 01.07.2019
	DNI 01.07.2020

In view of above, the personal file of Sh. Yogender Aswal, Sr. Draftsman may be sent to AAO (Store) for checking of pay fixation please.

HA(EE-II)
SO(EE-II)
Dy. Dir(Elect)
AAO (Store)

20/12/19
26/12/19

XXX
Go with case
11/01/2020

Calculation of pay in Sh. Yogender Aswal
Sub. Name: Sh. Yogender Aswal
in order subject to correctness of data, scales and
date of eligibility mentioned in the proposal
JAO. Dr. (S)
20/12/19
AAO (S.I.)

Ref:- Above

As per court order pay fixation has been got checked from AAO (Store) may be seen as above.

If approved, the above pay fixation may also got checked from AO (Estt) on priority basis. So that the same could be apprised to Hon'ble Court in NDH on 08.01.2020.

Submitted please.

HA(EE-II)
SO(EE-II)
Dy. Dir(Elect)
AO (Estt)

As discussed with Dy. Dir. (Elect) on 27/12/19
no need to be checked by AAO (Store).
He. Submits for approval of
pay fixation checked as above.

T.C



27/12/19 (10)

Ref:- Approval of pay fixation

The calculation of pay fixation of Sh. Yogender Aswal, Sr. Draftsman has been by AAO (Store) may be seen at prepage.

In view of above the personal file of Sh. Yogender Aswal, Sr. Draftman may be sent to Director (P-II) for approval of pay fixation at page 282/N please.

Submitted please.

HA(EE-II)
SO(EE-II)
Dy. Dir(Elect)

Director(P-II) 27/12/19

27/12/19
20/12/19

Ref: Above

As per approval of Dir(P-II), the draft office order is added below for approval please.

HA
SO(EE-II)
Dy. Dir(Elect)
27/12/19
27/12/19
27/12/19

T.C
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Sup-cb
272592

Count case

11

Arrear of pay fixation into Yogender Arwal,
Sr. Draughtsman w.e.f. 2/93 - 12/2019 vide
O.O. No. S.O. (EE-III) / 2064 / CA-III dt. 27.12.19
at p-391 / C.

Arrear = 2/93 - 12/95 = 10908-00 ✓
1/96 - 12/05 = 215817-00 ✓
1/06 - 11/19 = 833566-00 ✓

Incentive 4%
1060291-00
300000-00
216244-00

Submitted for check by & approval pl.

843,992-00 or
760,291-00

~~AAO (S)~~
~~Sr. A.O. (S)~~

3-1-20

31/12/19

4/1/2020

Bill has been submitted vide No. T-199, B.M. II
dt. 1/2020. Pl file may be returned to
S.O. (EE-III).

~~AAO (S)~~ 7-1-20 4/1/2020 T.C
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6. Learned counsel appearing on behalf of the petitioner, on instructions of the latter, does not wish to press the present petition, with liberty to challenge the fixation of the pay grade of the petitioner at the scale of Rs. 5400/- before the Court of competent jurisdiction/appropriate forum, in accordance with law.
7. The present petition is disposed of as not pressed.
8. Needless to state that the petitioner will be at liberty to take recourse with respect to the aforesaid contention as permissible in law before the Court of competent jurisdiction/appropriate forum.
9. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

JANUARY 06, 2026/bsr/db