



\$~34

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 374/2019**

**N.D.M.C. AUTO WORKSHOP
EMPLOYEES ASSOCIATION**

.....Petitioner

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

versus

**RAJENDRA PRASAD SATI , DIRECTOR,
NEW DELHI MUNICIPAL COUNCIL**

.....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**

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, read with Article 215 of the Constitution of India, 1950, seeks the following prayers:

“(a) initiate contempt proceedings against the Contemnor /Respondent for the wilful and intentional non implementation of the order dated 04.10.2018 passed by the Hon'ble Court.

(b) pass any such orders which this Hon'ble court may deem fit and proper under the facts & circumstances narrated herein above in favour of the Petitioners and against the Contemnor/Respondent.”

3. *Vide* judgment dated 12.07.2010 in TA No. 280/2009 and TA No. 943/2009, the learned CAT, Principal Bench, New Delhi passed the following directions:

“10. In the above view of the matter, we hold that the applicants are entitled in both the TAs to the revised pay scales, as



recommended by the S.S. Committee, and revised in the case of their counterparts in DVB/DESU, with arrears from the date of scales have been allowed to the applicants in the form of only pay scale in pursuance of the decision of the Apex Court in Narender Kumar's case (supra). The same shall be disbursed, on implementation, to the applicants, within a period of three months from the date of receipt of a copy of this order. No costs."

4. Subsequently, the aforesaid order was challenged by the respondent/NDMC in W.P.(C) 340/2011 and connected matter and *vide* judgement dated 04.10.2018, the learned Division Bench while dismissing the aforesaid petition 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, in pursuance of the aforesaid directions a speaking order dated 28.11.2023 was passed by the respondent/NDMC, with respect to the members of the petitioner-association, and the same is reproduced as under: -



**ELECTRIC ESTABLISHMENT UNIT – II
NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA: NEW DELHI**

Ref. No. S.O. (EE-II)/ 257/2023

Dated: 28-11-2023

SPEAKING ORDER

Whereas in compliance to orders, passed by the Hon'ble Delhi High Court on 22.03.2023 & 01.11.2023 in the Court Case titled as 'Yogender Aswal Vs NDMC and Cont. Case (C) No. 290/2019, Cont. CAS (C) 374/2019 titled as 'Auto Workshop Employees Association Vs NDMC', with the approval of Competent Authority, NDMC (**Annexure-I, Coolly**), this speaking order has been issued on the following:

S. No.	Point/Demand raised by the Petitioner
1.	Release HRA arrears to all petitioners in both cases.
2.	Releasing arrear of Interim Relief w.e.f. 15.06.1973 of the entire petitioner in both cases.
3.	Revision of pay fixation w.e.f. 01.01.1986 and grant of benefits of Time Bound promotional Scale with effect from the date, when they qualified the Trade Test.

2. Whereas in pursuance to the aforesaid orders, passed by the Hon'ble Court time to time, matter has also been examined through the Accounts Department of NDMC, Law Department of NDMC & Secretary (Estt.).
3. Whereas the Department has also given personal hearings time to time to the Petitioners in the above-mentioned court case and heard their contention before taking any action.
4. Whereas after due deliberation and consideration/examination the matter in the light of laid down policies/guidelines of pay fixation as well as HRA in accordance with the office memorandum dated 30.08.2008, issued by the Ministry of Finance, Department of Expenditure and also as advised by the Ms. Kadambari, Ld. Addl. Standing Counsel, who is defending the interest of NDMC before the Hon'ble Court, the Competent Authority, NDMC allowed for releasing of arrear of Interim relief & arrear of HRA in favour of petitioner as per details hereunder:
 - a. **Office Order for releasing arrear of admissible HRA** in favour of petitioners from the date of revision of pay scales, as per DTL/CPCs under 3rd Pay Commission w.e.f. 01.03.1973, 4th Pay Commission w.e.f. 01.01.1986, 5th Pay Commission w.e.f. 01.08.1997 & also under 6th Pay Commission w.e.f. 01.09.2008 vide office order No. S.O. (EE-II)/D-242/2023, dated 01.11.2023 (**Annexure-II**)
 - b. **Office Order for releasing arrear of interim relief in favour of (Annexure-III coolly):**
 - i. Sh. Subhash Chander, Ex-Head Draftsman, vide O.O. No. SO (EE-II)/42/ CA-I, dated


Deputy Director (Electric)
New Delhi Municipal Council
Palika Kendra-3, New Delhi



- 03.10.2023.
- i. Sh. Ajit Singh Mann, Ex-Head Draftsman, vide O.O. No. SO (EE-II)/43A/ 2023, dated 04.10.2023.
 - ii. Sh. Dayal Chand Grover, Ex-Head Draftsman, vide O.O. No. SO(EE-II)/45/ 2023, dated 10.10.2023.
 - iv. Sh. M.P. Dwivedi, Ex-Head Draftsman, S.O. (EE-II)/160650/2023, Dated 20.10.2023.
 - v. Sh. Hesar Singh, Ex-Head Draftsman, S.O. (EE-II)/181571/2023, Dated 02.11.2023.
- c. As far as revision of pay fixation/benefits of Time Bound promotional Scale with effect from the date, when petitioner qualified the Trade Test, in this regard, based on the available records, the matter has been examined when found that S/Sh. Arun David, Surender Kumar, Rishabh Kumar Jain & Tejinder Singh were qualified the Trade Test for the post of Foreman (Auto) on 19.06.1998 (Annexure-IV) and again on 06.02.1998 (Annexure-V) but due to non-availability of post they could be promoted as Foreman (Auto) on 28.08.2005 (Annexure-VI) & on 10.07.2007 (Annexure-VII) as per recommendation of DPC, held on 14.06.2005 (Annexure-VIII). Therefore, the request of petitioners for granting pay fixation/pay scale under 2nd TBP (Scale) for the post of Foreman (Auto) has been examined through the Audit Department time & again, who of the view that same cannot be acceded to.
5. Whereas during the hearing on 01.11.2023, the aforesaid documents have already been placed on records by the Hon'ble Delhi High Court and fixed next date of hearing on 15.12.2023.
 6. Whereas this speaking order has been issued with the approval of Competent Authority, NDMC to comply with the directions vide orders dated 22.03.2023 of the Hon'ble Delhi High Court.

Signed by
Asha Verma
Deputy Director (Elect)
Date: 24-11-2023 12:39:30

Copy to:

1. Sh. Yogender Aswal & Others,
R/O E-24, Palika Niwas,
Lodhi Colony,
New Delhi – 110003
2. Sh. Tejinder Singh & Others,
Representative of
Auto Workshop Employees Association,
R/O I-75, Lajpat Nagar – II,
New Delhi - 110024
3. Ms. Kaadambari Singh, Ld. Additional Standing Counsel through Law
Department: For kind information of the Hon'ble High Court on the next date of
hearing.

Affirmed
J. Pratap
Deputy Director (Elect)
New Delhi Municipal Council
Palika Kendra, New Delhi

6. It is submitted by the learned counsel for the petitioner-association that some of the members of the petitioner-association have been denied time bound promotions by the respondents/NDMC in the following manner:-



Sh. Surender Kumar	- Ought to have been promoted to Foreman in the year 2000 but was promoted in the year 2005 and was denied 3th time bound promotion which was due in 2008. - Was given next available pay scale instead of next promotional pay scale at the time of 2nd time bound promotion in the year 2000.
Sh. Arun David	- Ought to have been promoted to Foreman (Auto) in the year 1997 but was promoted in the year 2005 and was denied 3rd time bound promotion. - 2nd time bound promotion was to be given in the pay scale of INR 6,500-10,900, w.e.f. 2004, instead was given in the pay scale of INR 6,000-10,800.
Sh. Tejinder Singh	- Ought to have been promoted to Foreman in the year 2000 but was promoted in the year 2005 and was denied 3rd time bound promotion due in 2008. - Was given the next available pay scale, instead of the next promotional pay scale at the time of 2nd time bound promotion in the year 2000.
Sh. R.K. Jain	- Ought to have been promoted to Foreman (Auto) in the year 1997 but was promoted in 2007 and was denied 3rd time bound promotion. - 2nd time bound promotion



	was to be given in the pay scale of INR 6500-10900, w.e.f. 2004, instead was given in the pay scale of INR 6,000-10,800.
--	--

7. Learned counsel for the petitioner-association, on instructions of the latter, does not wish to press the present petition, with liberty to initiate appropriate proceedings with respect to the issue of time bound promotion of the remaining members of the petitioner-association before the Court of competent jurisdiction/appropriate forum, in accordance with law.
8. The present petition is disposed of as not pressed.
9. 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.
10. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

JANUARY 06, 2026/bsr/db