

A NORTH DELHI MUNICIPAL CORPORATION

v.

HARLEEN KAUR & ORS.

(Civil Appeal No. 8974 of 2019)

B NOVEMBER 22, 2019

**[DR DHANANJAYA Y CHANDRACHUD AND
HRISHIKESH ROY, JJ.]**

C *Service Law – Regularisation – High Court furnished cogent reasons for declining to interfere with the order of the Tribunal directing the appellant to consider the cases of respondents for regularization as Entomologists – Insofar as consequential monetary benefits is concerned, same directed to be granted w.e.f. date of the judgment of the Tribunal – Respondents entitled to notional pay fixation and continuity of service.*

D CIVIL APPELLATE JURISDICTION: Civil Appeal No.8974 of 2019.

From the Judgment and Order dated 20.11.2018 of the High Court of Delhi at New Delhi in W.P. (C) No.3692/2016.

E Vikramjit Banerjee, ASG, Praveen Swarup, Suvesh Kumar, Chandra Pratap Singh, B.C. Santosh Kumar, Advs. for the Appellant.

Satya Mitra Garg, M. K. Bhardwaj, Advs. for the Respondents.

The following Order of the Court was passed:

F **ORDER**

1. Delay condoned.

2. Leave granted.

G 3. The High Court has furnished cogent reasons for declining to interfere with the order of the Tribunal directing the appellant to consider the cases of the respondents for regularization as Entomologists.

4. The respondents were appointed after public advertisement and were selected on the basis of interviews. They have been working since 1997-8. Though the appointment was contractual for a period of six months, it has been extended.

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Subsequently, on 14 July 2008, posts were created by conversion of the existing posts of AMO, DMO, Entomologist and Asst. Entomologist. The Tribunal noted that the respondents are working against seven posts of Entomologists out of twelve sanctioned posts. The respondents were engaged with a view to counter the outbreak of dengue, a situation which continues to cause concern even at the present time. The Tribunal has duly considered the decision in **State of Karnataka v Umadevi**¹.

5. We are not inclined to entertain this appeal insofar as the grant of regularization is concerned.

6. However, insofar as consequential monetary benefits are concerned, learned counsel appearing on behalf of the appellant submitted that the Municipal Corporation should not be saddled with the obligation of granting monetary benefits from 2008 as awarded by the High Court. On this aspect, learned Counsel appearing on behalf of the respondents has fairly left it to the discretion of this Court.

7. We, accordingly, order and direct that the grant of monetary benefits shall be with effect from the date of the judgment of the Central Administrative Tribunal i.e. with effect from 1 October 2015. However, we clarify that the respondents would be entitled to notional pay fixation and continuity of service.

8. Subject to the aforesaid modification, the appeal is disposed of. Compliance shall be effected within a period of two months from the date of receipt of a certified copy of this order.

Bibhuti Bhushan Bose

Appeal disposed of.

¹ (2006) 4 SCC 1