

# Nagar Nigam Sewa Nivrit Karmchari ... vs Govt.Of N.C.T.Delhi, & Anr on 21 September, 2020

**Author: Hima Kohli**

**Bench: Hima Kohli, Subramonium Prasad**

\$~6, 7, 10, 11 &12.

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 5533/2020 & CM 19966/2020 (Stay)

NAGAR NIGAM SEWA NIVRIT KARMCHARI KALYAN SAMITI

(UNREGISTERED) AND ORS ..... Petitioners

Through: Mr. Ranjit Sharma, Advocate

versus

GOVT.OF N.C.T.DELHI, & ANR.

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel for  
R-1/GNCTD

Mr. D P Pandey, Standing Counsel for NrDMC with  
Mr. Akhil Mittal, Advocate

+ W.P.(C) 6532/2020 & CM. 22869/2020 (Interim relief)

DDA AND MCD JANVADI KARMCHARI UNION (REGD.5128)

..... Petitioner

Through: Mr. Ranjit Sharma, Advocate

versus

GOVT.OF N.C.T.DELHI, & ANR

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel for  
R-1/GNCTD

Mr. D P Pandey, Standing Counsel for NrDMC with  
Mr. Akhil Mittal, Advocate

+ W.P.(C) 5033/2020 & CM 18132/2020 (Stay)

CM 20041/2020(for urgent listing u/s 151)

AKHIL DILLI PRATHMIK SHIKSHAK SANGH(REGD.)

..... Petitioner

Through: Mr. Ranjit Sharma, Advocate

versus

GOVT. OF N.C.T.D & ORS.

.... Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel for  
R-1/GNCTD

Mr. Gaurang Kanth, Standing Counsel with

W.P.(C) 5533/2020 & connected matters

Mr. Bijai Rajesh, Advocate for EDMC

Mr. Dhanesh Relan, Advocate for R-3/SDMC

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+ W.P.(C) 5389/2020  
HOSPITAL EMPLOYEES UNION ..... Petitioner

Through: Mr. Rajiv Agarwal, Advocate with  
Mr. Nawlendu Bhushan, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Mr. D P Pandey, Standing Counsel for  
NrDMC with Mr. Akhil Mittal, Advocate for  
R-1/NrDMC  
Mr. Satyakam, Additional Standing Counsel for R-  
2/GNCTD

+ W.P.(C) 6075/2020  
HOSPITAL EMPLOYEES UNION ..... Petitioner

Through: Mr. Rajiv Agarwal, Advocate with  
Mr. Nawlendu Bhushan, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondents

Through: Mr. D P Pandey, Standing Counsel for  
NrDMC with Mr. Akhil Mittal, Advocate for  
R-1/NrDMC  
Mr. Satyakam, Additional Standing Counsel for  
R-2/GNCTD

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 21.09.2020 HEARD THROUGH VIDEO CONFERENCING CM. 22870/2020 (Exemption) in  
W.P.(C) 6532/2020 Allowed, subject to all just exceptions.

W.P.(C)5533/2020,W.P.(C)6532/2020,W.P.(C)5033/2020, W.P.(C)5389/2020 &W.P.(C)  
6075/2020.

1. All the present matters are inter-connected inasmuch as the petitioners have approached the court with a grievance primarily against the North Delhi Municipal Corporation (NrDMC) that their salaries/pensions have not been released for the past several months and members of the petitioners/Associations are in dire straits.

2. The contesting respondents in the present petitions are stated to be the Ministry of Finance and Ministry of Home Affairs (Union of India), Govt. of NCT of Delhi and NrDMC. Additional parties are

SDMC and EDMC impleaded as co-respondents in WP(C) 5033/2020, a petition filed by primary school teachers working in the NrDMC, EDMC and SDMC.

3. Mr. Kanth, learned counsel for the EDMC states that salaries of the primary school teachers has been defrayed till the month of June, 2020 and for the months of July and August, 2020, efforts are being made to release the salaries as soon as funds are available. A similar plea is being taken about facing cash crunch, as taken by the NrDMC.

4. Mr. Satyakam, learned ASC appearing for the Govt. of NCT of Delhi states that he may be permitted to clarify that none of the petitioners are the employees of the Govt. of NCT of Delhi and therefore, no relief can be claimed from the Govt. of NCT of Delhi. However, the plea of the Civic Authorities is that the Govt. of NCT is required to defray funds to them for the same to be paid in turn to their staff. However, the said submission is disputed by Mr. Satyakam, learned counsel appearing for the Govt. of NCT of Delhi.

5. This court has also been informed that on the directions issued by DB-I in WP(C) 9049/2017 entitled *Rahul Birla v. EDMC & Ors.*, a meeting is taking place at the Ministerial level of the Central Government, Delhi Government and the respective Chairpersons of the three Civic Authorities of Delhi. One meeting took place on 04.09.2020 and further meetings are expected to take place as the next date fixed in the captioned writ petition is 19.10.2020.

6. In the present petitions, Govt. of NCT of Delhi and the Civic Authorities has been impleaded as co-respondents. However, we find that Union of India is not a party. The petitioners may consider the necessity of impleading Union of India, as a co-respondent in their petitions and if required, appropriate steps in that regard shall be taken within one week. If an amended memo of parties is filed by the learned counsel for the petitioners in any of the petitions then, notice shall be issued to the Union of India through Mr. Anil Soni, learned CGSC, who is stated to be representing Union of India in WP (C) 3511/2020, mentioned above.

7. Learned counsel for the respondent shall place on record the decision arrived at in the meetings held between the various authorities in terms of directions issued in WP(C) 9049/2017 well before the next date of hearing. Efforts shall also be made by the Civic Authorities to draw up a schedule for release of salaries even handedly to all their staff in different cadres and defray the same at the earliest. Learned counsel for the respondent shall state in the Status Reports to be filed, as to the manner and the timeline within which they propose to defray salaries to their employees in different cadres without any pick and choose.

8. Mr. Ranjit Sharma, learned counsel for the petitioner in WP(C) 5533/2020 which relate to pensioners of the NrDMC states that despite orders passed by this court on an earlier date, the respondent/NrDMC has not released the pensions of the pensioners since February, 2020.

9. Mr. Pande, learned Standing Counsel for NrDMC assures the court that the Department is in the process of releasing their pension for at least one month.

10. List on 05.11.2020.

HIMA KOHLI, J SUBRAMONIUM PRASAD, J SEPTEMBER 21, 2020 hsk