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

+ **W.P.(C) 1737/2025 and CM APPL. 8371/2025**

MUNICIPAL CORPORATION OF DELHIPetitioner

Through: Dr. Divya Swamy, Standing
Counsel with Mr. Rishav Ranjan and Mr.
Yashovarma Singh Chandel, Advocates

versus

RAVINDER SINGH BIRLA & ANR.Respondents

Through: Mr. Manashwy Jha, Advocate
for R2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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12.02.2025

CM APPLs. 8369/2025 and 8370/2025 (Exemption)

1. Allowed subject to all just exceptions.
2. The application stands disposed of.

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3. The impugned order passed by the Central Administrative Tribunal¹ directs the respondents to be paid the pay of Registrar for the period during which the respondent claimed to have worked as

¹ "the Tribunal", hereinafter
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Registrar in the Municipal Taxation Tribunal². Though Dr. Divya Swamy, learned counsel for the petitioner, sought to contend that there was nothing to indicate that during the entire period for which the petitioner claimed to have worked as Registrar in the MTT, he had actually so worked, we have seen the speaking order dated 8 June 2017 issued by the petitioner in response to the representation of the respondent. There is no assertion that the respondent has not worked as Registrar for the period claimed by him. The only ground on which the respondent's entitlement to the pay of Registrar was contested was that there were no finalized Recruitment Rules for the post of Registrar.

4. Besides, we also find that the Tribunal has also relied on a file noting, which has been filed as Annexure P11, which says that the respondent has completed three years working as Registrar in November 2013 in the MTT.

5. In these circumstances, we are not inclined to grant any interim stay of the order passed by the Tribunal.

6. Issue notice to show cause as to why rule *nisi* be not issued.

7. Notice be served on Respondent 1 by all modes as well as through learned counsel who appeared on its behalf before the Tribunal.

² "MTT", hereinafter
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8. Notice is accepted on behalf of Respondent 2 by Mr. Manashwy Jha.

9. Counter affidavit be filed within four weeks with an advance copy to learned counsel for the petitioner who may file rejoinder thereto, if any, within four weeks thereof.

10. Renotify on 9 July 2025.

CM APPL. 8368/2025 (Stay)

11. In the aforesaid circumstances, we dispose of this application with a direction to the petitioner to comply with the order passed by the Tribunal, within a period of four weeks from today. However, payment of the amount to Respondent 1 shall remain subject to the outcome of the writ petition. In other words, should the petitioner succeed, Respondent 1 would be liable to refund the said amount to the petitioner.

C.HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 12, 2025/yg

Click here to check corrigendum, if any