

Central Administrative Tribunal, Principal Bench

C.P.No.43/96
M.A.No.582/97
and
C.P.No.44/96
M.A.No.583/97
in
O.A.No.1526/90

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Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 10th day of March, 1997

C.P.No.43/96:
M.A.No.582/97:

1. Shri Kali Charan Tyagi, PET
(Govt. of N.C.T. of Delhi)
s/o Shri Bhagwan Sahay Tyagi(Retd.) PET Grade-II
r/o 276-C, Chanakya Marg
Chhajjipur
Shahdara, Delhi - 110 032.
2. Shri Ratan Sain Jain PET Grade-II
s/o Shri Anoop Singh
r/o 253-D, Bhola Nath
Nagar Shahdara
Delhi - 110 032.
3. Shri Sube Singh PET Grade-II
s/o Shri Bhullan Singh
r/o 9/3607, Gandhi Nagar
Delhi - 110 031.
4. Shri Mahendra Pal Kaushik PET Grade-II
s/o Shri Girwar Singh
r/o 4/2936 Bhola Nath Nagar Shahdara
Delhi - 32..
5. Shri Girwar Singh Yadava PET Grade-II
s/o Shri Ram Chandra Singh
r/o A-69, Jagatpuri, Gali No.6
Delhi - 110 051.
6. Shri Ram Prakash Sharma PET Grade-II
s/o Shri Ram Swaroop Sharma
r/o Sant Gali
Babarpur
Shahdara, Delhi - 32.
7. Smt. Raj Chawala PET Grade-II
wife Shri J.M.Chawla
r/o 42, Shanti Vihar
Delhi - 92. Applicants:
(By Shri H.L.Srivastava, Advocate)
Vs.
1. Shri K.K.Bhasin
Director of Education
National Capital Territory of Delhi
(Delhi Government)
Old Secretariat
Delhi.

2. Shri P.R.Dass ^{Gupta}
Secretary to the Govt. of India
Ministry of Human Resources Development
Department of Youth Education
Shastri Bhawan
New Delhi - 110 001.

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3. Shri P.V.Jai Krishnan
Chief Secretary to the Govt. of
National Capital Territory of Delhi
5, Sham Nath Marg
Delhi - 110 054.

4. Shri Rudra Gangadharan
Joint Secretary
Ministry of Human Resources Development
Department of Education
Curzon Road Barracks
New Delhi.

5. Shri M.L.Sehgal
Pay & Accounts Officer(X)
Old Secretariat
Delhi
presently working in P.W.D.
Guru Tegh Bahadur Medical College
Shahdara, Delhi - 110 032.

6. Shri V.K.Aggarwal
Pay & Accounts Officer(XII)
AGCR Building
New Delhi
presently working as PAO(VII)
Old Secretariat
Delhi.
(By Shri Arun Bhardwaj, Advocate)

Respondents

and

C.P.No.44/96:
M.A.No.583/97:

1. Shri D.K.Arya
PET Grade-II(D. Admn.)
s/o Late Shri Chirmoli Ram Arya
r/o 32/104, Vishwas Nagar
Sahdara, Delhi - 32.

2. Shri G.D.Sachdeva
PET Grade-II(D. Admn.)
s/o Late Shri Taku Ram
r/o C-2/158, Janakpuri,
New Delhi - 58.

3. Shri Jasbir Singh
PET Grade-II
(D. Admn.)
s/o Shri Dhupan Singh
r/o Village & P.O.
Lowakalan
Distt. Rohtak(Haryana).

4. Shri Dalel Singh
PET Grade-II
(D. Admn.)
s/o Shri Chandgi Ram



7. Shri M.L.Sehgal
PAO
Old Secretariat of Delhi
Guru Tegh Bahadur Medical College
Shahdara, Delhi - 110 032.
8. Shri R.L.Bansal
PAO IX
Old Secretariat
Department of Audit
Delhi.
9. Shri D.R.Ahluwadi, PAO XVIII
South Patel Nagar
New Delhi - 8. Respondents
(By Shri E.X.Joseph, Advocate)

O R D E R (Oral)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

In pursuance to our orders dated 31.8.1994, the respondent, Delhi Administration had passed one order on 2.3.1995 stating on the face of the said order that it is in compliance with the final orders of CAT. Even though the respondents have passed the said order, full compliance, namely, payment of revised scale as well as arrears, was not done. In the mean time, Respondent No.2, Union of India passed an order on 18.1.1996 expressing difficulties in implementation of the order dated 2.3.1995 and apparently directing the Respondent, Delhi Administration, to keep the said order (2.3.1995) in abeyance. Whatever be the long drawn allegations and counter allegations, we are of the view that the orders passed by the respondent, Delhi Administration, in compliance with the Tribunals order shall be fully carried out.

2. The learned counsel for the respondents fairly stated at the bar that inspite of the difficulties and the order passed by the Union of India to keep compliance of the order dated 2.3.1995 in abeyance, they have already started paying to the applicants in accordance with the revised Rules as per the statement made by the learned counsel in Court.




3. With regard to the payment of arrears, the learned counsel for the respondents says that because of the delay occurring mainly due to inter departmental procedures with the Union of India, the payment of arrears could be finally settled after the Review Application which is pending, is finally disposed of. We are of the view that the compliance of our orders cannot be put off for future date for whatever reasons including the pendency of other proceedings unless there is a stay order against compliance from a co-ordinate Bench or from a Supreme Court. Since there is no such Court order against compliance of our order, the payment of arrears are to be made to the concerned applicants in accordance with the orders of Delhi Administration which they have passed on 02.03.1995. It is therefore made clear that the respondents shall pay the arrears to the applicants along with interest at 12% from the date it became due, namely, 02.03.1995 till the date of actual payment, and it is for the respondents to decide when such payment of arrears is to be made to the applicants, whether it is after the disposal of the RA or of a subsequent SLP in Supreme Court. Therefore, the respondents are directed to pay the arrears from 02.03.1995 along with 12% interest to the applicants. These orders shall also apply in respect of those persons who have already superannuated from amongst the applicants, both for the purposes of calculation of last pay as well as the payment of arrears. With these orders the C.P.No.43/96 and C.P.No.44/96 are disposed of. Notices discharged.

4. Since the CPs are already disposed of, the MAs No.582/97 and 583/97 become infructuous.


(R.K. AHOOJA)
MEMBER(A)


(DR. JOSE V. VERGHESE)
VICE-CHAIRMAN(J)


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