

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-141/2017 in
OA-509/2015 &
OA-3587/2015**

Reserved on : 17.08.2017.

Pronounced on : 21.08.2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

1. Dr. Sneh Lata Jain,
D/o Sh. Roshan Lal Goyal, 50 years
Y Block Phase-1, Nangloi,
Delhi-41.
2. Dr. Tarannum Ara,
D/o Sh. Md. Shamim, 43 years
2391, 1st Floor, Mandir Wali Gali,
Patel Nagar, New Delhi-110008.
3. Dr. Mohd. Danish Mehfooz,
S/o Sh. Md. Abu Nomain, 34 years
2391, 1st Floor, Mandir Wali Gali,
Shadi Pur, Patel Nagar, New Delhi-110008.
4. Dr. Arshad Yar Khan,
S/o Sh. Idris Ahmed Khanm, 40 years
B-53, IInd Floor, Gali No.6,
Joshi Colony, IP Extension,
Patparganj, New Delhi-110092.
5. Mohd. Faizur Rahman,
S/o Sh. Jamilur Rahman, 39 years
O-21, Malik House, Batla House,
Jamia Nagar, Okhla,
New Delhi-110025.
6. Dr. Mohd. Shamshad Alam,
S/o Sh. Mohd. Shamsuddin, 37 years

R-201, Gali No.10, Ramesh Park,
Laxmi Nagar, Delhi-110092.

7. Dr. Ajaj Ahmad,
S/o Sh. Abdur Rauf, 39 years
X-13C, DDA flats,
New Ranjeet Nagar,
New Delhi-110008.
8. Dr. Abid Hussain,
S/o Sh. Abdul Faiz, 43 years
Z2B, DDA flats, New Ranjeet Nagar,
New Delhi-110008.
9. Dr. Hakimullah Khan,
S/o Sh. Abdul Shakoor, 39 years
B-53, IInd Floor, Gali No.6,
Joshi Colony, IP Extension,
Patparganj, New Delhi-110092.
10. Dr. Ubaid-ur-Rehman Ghazi,
S/o Sh. Nasim Ahmed Ghazi, 35 years
E-42, Abul Fazal Enclave,
Jamia Nagar, New Delhi-110025.
11. Dr. Syeed Ubaidussalam,
S/o Syeed Yoosuf Ali, 37 years
C/o Rehmani Clinic,
Near Bilal Masjid Laltain Factory Road,
Kaila Bhatta Ghaziabad-201001.
12. Dr. Badar Iqbal,
S/o Sh. Mozaffar, 40 years
N-71A, Abul Fazal Enclave,
Thokar No.5, Okhla,
New Delhi-110025.
13. Dr. Abdul Majeed,
S/o Sh. Nazeen Ahmed, 44 years
C/o Dr. Shujauddin Qasmi,

House No. 78-C, Gali No.9,
Noor Colony, Wazirabad Village.

14. Mr. Vishal Srivastava,
S/o Sh. Dharmatama Singh, 36 years
RZF-2/123A, Street No. 5,
Mahaveer Enclave, Palam,
New Delhi-110045.
15. Dr. Poonam Dang,
D/o Sh. Narinder Gulati, 33 years
A-121 Prashant Vihar,
(opposite Lancer convent school)
Rohini-110085.
16. Dr. Amit Chaudhary,
S/o Sh. Satyendra Dera,
Lane No.2 Opposite Railway Station,
Modi Nagar, UP.
17. Dr. Sandeep Kr. Tiwari,
S/o Indra Deo Tiwari, 34 years
A-23 Lohiya Nagar Ghaziabad,
UP-201001.
18. Dr. Mohd. Sufyan,
S/o Sh. Mohd. Hashim, 34 years
A18/144C, DDA Flats,
Inderlok, Delhi-110035.
19. Dr. Mohd. Danish,
S/o Sh. Khursheed Ahmed, 35 years
E II, 16/928, Nehru Vihar,
Mustafabad, Dayalpur,
Delhi-110094.
20. Dr. Tufail Ahmad,
S/o Sh. Iftekhhar Ahmed, 34 years
246/58, Gali No.5,
East School Block, Allah Colony,

Mandawai, Fazalpur,
New Delhi-110092.

21. Dr. Ramesh Kumar Pandey,
S/o Sh. Ram Chander Pandey, 37 years
634/7, IInd Floor, Govind Puri,
New Delhi-110019.

22. Dr. Nafliia Jilani,
D/o Sh. Ateco Jilani, 32 years
H.No. 7 Gali No.1,
Araam Park Shashtri Nagar,
Delhi-31.

23. Dr. Samar Shadab,
D/o Sh. Hameed Khan, 33 years
C-119, Ajmal Bagh, Noor Nagar,
Jamia Nagar, New Delhi-110025.

24. Dr. Mohd Yasir Khan,
S/o Naeem Ahmed Khand, 37 years
C-119, Ajmal Bagh,
Noor Nagar, Jamia Nagar,
New Delhi-110025.

..... Review Applicants

(through Sh. Naresh Kaushik, Advocate)

OA-3587/2015

1. Dr. Manish Tare,
42 years
S/o Late Sh. V.M. Tare,
R/o Flat No. 346, Block-E, GAUR HOMES,
Govindpurum, Ghaziabad, UP.

2. Ms. Sarika Jain,
31 years
D/o Sh. Rajendra Jain,
R/o D-276, Shastri Nagar,
Ghaziabad, UP.

3. Mr. Manohar Dayal,
32 years
S/o Sh. Shankar Dayal,
R/o 3rd Floor, House No. 94/old-407,
Sarpanch Ka Bara, Gali No.8,
Mandawli, New Delhi-92.
4. Mr. Manish Mishra,
36 years,
S/o Sh. Satya Prakash Mishra,
R/o UG-1, Plot No.1/19, Sec-2,
Rajender Nagar, Sahibabad,
Ghaziabad-201005.
5. Mr. Susheel Kumar Patel,
35 years,
S/o Sh. Pyare Lal Patel,
R/o 2nd Floor, S143 B, Pandav Nagar,
Delhi-92.
6. Mr. Nitesh Kumar,
34 years
S/o B.S.K. Singh,
R/o F-30/788, Top Floor,
Ganesh Nagar-2,
Shakarpur, Delhi-92.
7. Mr. Naushad Akhtar,
32 years,
S/o Late Sh. Shamshad Akhtar,
R/o 79, Mansi Vihar, Sector-23,
Sanjay Nagar, Ghaziabad-201002. Applicants

Versus

1. Union of India through
Secretary, Ministry of AYUSH,
AYUSH Bhawan,
B Block, GPO Complex, INA,
New Delhi-110023.

2. Ministry of Science and Technology through
Director General,
Council of Scientific and Industrial Research
Anusandhan Bhawan, 2 Rafi Marg,
New Delhi-110001.
3. Traditional Knowledge Digital Library Unit
Through Project Leader,
CSIR-Human Resource Development Centre (HRDC)
Sector-19, Central Government Enclave,
Kamla Nehru Nagar, Ghaziabad, UP. Respondents

(through Sh. Praveen Swaroop, Advocate for R-2 & R-3)

ORDER

Mr. Shekhar Agarwal, Member (A)

This review application filed by applicants of OA-509/2015 and OA-3587/2015 is directed against our common order dated 05.05.2017 by which these OAs were partly allowed.

2. We have heard learned counsel for the review applicants Sh. Naresh Kaushik. Mainly, the following two grounds were urged before us:-

(i) That this Tribunal has committed an error by observing in para-8.2.2 of the judgment that the applicants have not disputed the contention of the respondents that the project has come to an end on 31.03.2017.

(ii) That although this Tribunal relied on the judgment of the Apex Court in the case of **State of Punjab & Ors. Vs. Jagjit Singh & Ors.**, 2016(10)SCALE 447 and directed the respondents to examine

the case of the applicant in the light of this judgment and to grant them the salary at the minimum of the pay scale granted to the regular employees, yet while granting the arrears this Tribunal has restricted the same from the date of filing of the OA. Sh. Kaushik submitted that in the case of **Jagjit Singh** (supra) the Apex Court had granted arrears for three years.

3. We have considered the aforesaid submissions. As regards the first ground raised by the review applicants, we find that on 27.03.2017, we had given a direction to the respondents to file an additional affidavit clearly stating whether the project in which the applicants were working has come to an end on 31.03.2017. In compliance thereof, the respondents had filed an affidavit on 29.03.2017 in which they had stated that the project in which the applicants were working was coming to an end on 31.03.2017. Despite filing of this affidavit by the respondents, applicants did not file any rebuttal of the same. Nor did they file any document showing that the life of the project had been extended beyond 31.03.2017. Even in the written submissions filed by the applicants on 21.04.2017, the assertion of the respondents that the project was coming to an end on 31.03.2017 has not been disputed. In fact, all along the argument of the applicants was that while the project may come to an end, the work being discharged by them was of perennial nature and shall continue to be discharged through some

other entity. Thus, it is clear that the applicants have nowhere asserted that the project is continuing beyond 31.03.2017. Hence, we do not find any error in our judgment in this regard.

3.1 The second ground raised by the review applicants is regarding payment of arrears from the date of filing the OA instead of three years as allowed by the Apex Court in the case of **Jagjit Singh** (supra). While, it is true that while granting the relief of 'equal pay for equal work', we had placed reliance on the judgment of the Apex Court in the case of **Jagjit Singh** (supra), yet considering the facts and circumstances of the present case, we had ordered grant arrears only from the date of filing of the OA. Simply because we had placed reliance on the Apex Court judgment, we were not required to give arrears also in accordance with that judgment. The review applicants through the filing of this RA are seeking grant of additional relief, which has not been allowed in the OA. This is clearly beyond the scope of review application.

4. No other ground was pressed by the review applicants before us.

5. In view of the aforesaid, we do not find any merit in this review application and dismiss the same.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/vinita/