

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

R.A. No. 156/2017 in
O.A. No.3646/2015

This the 27th day of October, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Aarti Jain
Assistant Professor (Electronics & Communication Engineering)
[Erstwhile Lecturer (Electronics & Communication Engineering)
W/o Sh. Sandeep Kumar
R/o C-166, Divya Jyoti Apartments,
Sector-19, Rohini,
Delhi-110085.
Aged around 36 years
2. Manisha Bharti
Assistant Professor (Electronics & Communication Engineering)
[Erstwhile Lecturer (Electronics & Communication Engineering)
W/o Mr. Vikas Bharti,
R/o A-18, LIC Colony,
Jeewan Niketan, Paschim Vihar,
Delhi-110087.
Aged around 35 years
3. Sanjeev Kumar
Assistant Professor (Electronics & Communication Engineering)
[Erstwhile Lecturer (Electronics & Communication Engineering)
W/o Sh. Khajan Singh,
R/o Block B1/105, Type IV,
1st floor, Delhi Administration Officer Flats,
Haiderpur, Shalimar Bagh, Delhi.
Aged around 37 years.
4. Garima Srivastava
Assistant Professor (Electronics & Communication Engineering)
[Erstwhile Lecturer (Electronics & Communication Engineering)
W/o Sh. Sankalp Shrivastava
R/o B 231, 2nd floor, Priyadarshini Vihar,
East Delhi.
Aged around 41 years

5. Amita Jain
 Assistant Professor (Compute Science and Engineering),
 [Erstwhile Lecturer (Computer Science and Engineering)
 W/o Dr. Devendra Kumar Tayal
 R/o 4647/15, Jai Mata Market,
 Trinagar, Delhi-110035.
 Aged around 38 years

All the applicants are presently posted at:

Ambedkar Institute of Advanced
 Communication Technologies and Research,
 Geeta Colony, Delhi-31.

... Applicants

(By Advocate: Mr. Sourabh Ahuja)

Versus

1. GNCT of Delhi,
 Through its Chief Secretary,
 Delhi Sachivalaya, Players Building,
 I.P.Estate, New Delhi-2.
2. Principal Secretary/Secretary,
 Department of Training & Technical Education,
 GNCT of Delhi,
 Muni Maya Ram Marg,
 Pitampura,
 Delhi-88.
3. Principal,
 Ambedkar Institute of Advanced
 Communication Technologies and Research,
 GNCT of Delhi,
 Geeta Colony, Delhi-31.
4. Head of Department/Principal (PPL),
 Ambedkar Institute of Advanced
 Communication Technologies and Research,
 GNCT of Delhi,
 Geeta Colony, Delhi-31.

... Respondents

(By Advocate: None).

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar, Member (J)

Heard learned counsel for the applicant. Even after service of notice, there is no appearance on behalf of the respondents.

2. The instant RA is filed seeking to recall the order dated 29.03.2017 in MA No. 3349/2015 in OA No.3646/2015 whereunder this Tribunal has dismissed the MA seeking condonation of delay of 693 days in filing the OA and consequently dismissed the OA also. The learned counsel submits that the relief claimed in the main OA is pertaining to the fixation of pay and hence in view of the decision of the Hon'ble Apex Court in **M.R.Gupta vs. Union of India** 1995 (5) SCALE 29 and the decisions on similar lines, the delay ought to have been condoned. It is further pleaded that this Tribunal while dismissing the MA failed to consider the fact that respondents passed another order on 07.07.2015 reiterating their stand which extends the cause of action.

3. In the circumstances and in view of the decision in **M.R.Gupta** (supra), the RA is allowed and the order dated 29.03.2017 is recalled. Resultantly, MA No.3349/2015 is allowed subject to payment of cost of Rs.5000/- by each applicant to Delhi Legal Service Authority within three weeks from the date of receipt of the order.

OA No.3646/2015

5. On payment of the costs, list the OA on 18.12.2017.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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