

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

**RA No.162/2014
OA No.4357/2012**

New Delhi this the 24th day of April, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. P.K.Basu, Member (A)**

1. Union of India & Others through
The Secretary
Govt. of India
Ministry of Urban Development
Nirman Bhawan
New Delhi – 110 001.
2. Director General of Works
Central Public Works Department
Nirman Bhawan
New Delhi UOI & Ors. Review Applicant.

(By Advocate: Shri Ashish Nischal for Shri Rajinder Nischal)

VERSUS

1. Shri Sajal Mitra
S/o Late Shri Bishwanath Mitra
R/o A-181, Pandara Road
New Delhi – 110 003.
2. Praveen Kumar Sharma
S/o Late Shri S.R.Sharma
R/o GH-102, Amrapali Village
Indirapuram
Ghaziabad, UP.
3. K.K.Saxena
S/o Shri R.B.Saxena
R/o Qtr. No.7, CPWD
Service Centre, Sector-4
Pushp Vihar
New Delhi – 10 017.
4. Deenbandhu Gupta
S/o Shri Chander Sen Gupta
R/o 4/407, 1st Floor, Vaishali

Ghaziabad, UP-201 010.

5. S.S.Sangwan
S/o Shri Sarup Singh Sangwan
R/o 588, Sec-3, R.K.Puram
New Delhi – 110 022.
6. Madan Lal
S/o Late Shri Satyanarayan
R/o 225/3, Gopal Pur
Delhi – 110 009.
7. Purshottam Goyal
S/o Late Shri P.C.Goyal
R/o 106/7, Sector-I
M.B.Road, Pushp Vihar
New Delhi -110 017.
8. Anil Kumar Singh
S/o Late Shri Jai Govind Singh
R/o 13/490, Lodhi Colony
New Delhi – 110 003.
9. Jagdish Prasad
S/o Shri Makkhan Lal
R/o 79/48, Kali Bari Marg
New Delhi – 110 001.
10. Kanta Prasad
S/o Shri Bhullai Ram
R/o F-75, Kunwar Singh Nagar
Nangloi
New Delhi. Respondents.

(By Advocate: Shri M.K.Bhardwaj)

ORDER (ORAL)

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

Heard both sides.

2. The OA No.4357/2012 was disposed of by order dated 25.03.2014 as under :-

"11. In the circumstances and for the aforesaid reasons, the OA is allowed and the impugned Annexure A1 is quashed and the respondents are directed to grant the pay scale of Rs.7500-12000 w.e.f. 01.01.1996 to the applicants. The respondents shall pay the consequential arrears to the applicants, within eight weeks from the date of receipt of a copy of this order. However, the applicants are not entitled for any interest on the arrears, in the circumstances. No order as to costs."

3. It is seen that the applicants in the OA filed the same by claiming that they are identically placed like the applicants in OA No.299/CH/2007 (**C.M.Malhotra and two others Vs. UOI and Ors.**) and hence granting them the higher pay scale of Rs.7500-12000 with some different date subsequent to 01.01.1996 is illegal. This Tribunal after considering the submissions of the learned counsel for the applicants that "the reasons stated by the respondents for not granting the benefit of higher pay scale to the applicants w.e.f.01.01.1996, i.e. no order has been passed to consider the project strength while calculating the eligibility, cannot be taken now as the same had already been adjudicated by the Coordinate Benches of this Tribunal and the said orders have attained finality and this Tribunal specifically directed the respondents to grant the benefit of the higher pay scale on par with the applicants in OA No.299/CH/2007, if they are found similarly situated," and after hearing both sides the Tribunal having found that the applicants are identically placed like the applicants in OA No.299/CH/2007 of the Chandigarh Bench, allowed the same by directing the respondents to grant them the pay scale of Rs.7500-12000 w.e.f.01.01.1996.

4. The respondents in the OA filed the present Review Application mainly submitting that though vide Annexure RA-7 dated 06.04.2010, complied the orders of Chandigarh Bench of this Tribunal dated

05.12.2008 in OA No.299/CH/2007 in **C.M. Malhotra & Ors against Union of India & Others**, initially, and granted the higher pay scale of Rs.7500-12000/- to the said Shri C.M.Malhotra and two others w.e.f.01.01.1996 but there after vide Annexure RA-9 dated 06.06.2011 issued a Corrigendum correcting the granting of the pay scale from 01.01.1996 to different dates i.e. the date of eligibility of respective applicants in the said OA. The OA No.608/CH/2011 filed by the said C.M.Malhotra and two others questioning the said corrigendum was disposed of by the Chandigarh Bench of this Tribunal on 27.03.2012 vide Annexure RA-10 upholding the said corrigendum granting the higher pay scale to them with effect from different dates of their promotions pertaining to their dates of eligibility though was directed not to recover any amount in pursuance of the same.

5. It is further submitted that though the OA No.4357/2012 against the orders in which the present RA is filed was disposed of on 25.03.2014, but they have not brought these facts i.e., issuance of Corrigendum and orders of the Chandigarh Bench upholding the said Corrigendum, to the notice of this Tribunal at the time of disposal of OA No.4357/2012 and as a result, this Tribunal allowed the OA No.4357/2012 by directing them to grant higher pay scale w.e.f.01.01.1996 which was not even granted to the applicants before the Chandigarh Bench.

6. Accordingly, the learned counsel submits that in view of the error apparent on the face of record, the judgment dated 25.03.2014 in OA No.4357/2012 is required to be reviewed by recalling the said order and the OA should be heard afresh on its own merits.

7. Per contra, the learned counsel for the respondents (original applicants in the OA) while submitting that there is no error apparent on the face of record i.e. in the orders of this Tribunal dated 25.03.2014 in OA No.4357/2012 as decision of granting higher pay scale has to be given effect to w.e.f.01.01.1996 though the entitlement of an individual applicant would be the date of his eligibility depending on the circumstances pertaining to each individual case and even the corrigendum at Annexure RA-9 also clearly states that dates of eligibility can always be different in respect of a particular employee and accordingly, the learned counsel submits that there is no necessity to review the orders of this Tribunal.

8. In view of the aforesaid rival submissions of the parties and after perusing the review records, we are of the considered view that this Tribunal allowed the OA No.4357/2012 solely following the decision of the Chandigarh Bench in OA No.299/CH/2007 in C.M.Malhotra and two others Vs. UOI and Ors. Since the orders issued in pursuance of the said decision itself were modified by issuing a Corrigendum which has later upheld by Chandigarh Bench, we are of the considered view that same direction required to be passed in this case also. In view of the submissions made by the learned counsel for the respondents (original applicant in the OA) that they are not insisting from the date, i.e. w.e.f. 1.1.1996, for granting of higher pay scale but the entitlement of each applicant would be dependent on their individual facts pertaining to them and accordingly they are entitled for granting of the said higher pay scale, disposal of this R.A., with such observations, will not affect the right of the original applicants.

9. In the circumstances and for the aforesaid reasons the review is disposed of by clarifying that the applicants in OA No.4357/2014 are entitled for the granting of higher pay scale as per their eligibility as granted to the applicants in OA 299/CH/2007 applying the same principle as has been applicable to the applicants in OA No.299/CH/2007 in C.M.Malhotra and two others of Chandigarh Bench read with the order dated 27.03.2012 (Annexure RA 10) in O.A. No.608/CH/2011 of the Chandigarh Bench.

R.A. is accordingly disposed of. No costs.

(P.K.Basu)
Member (A)

(V. AJAY KUMAR)
Member (J)

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