

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

C.P. No. 297/2017 in O.A. No. 111/2014,
C.P. No. 298/2017 in O.A. No. 107/2014 &
C.P. No. 299/2017 in O.A. No. 98/2014

New Delhi, this the 10th day of April, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

C.P. No. 297/2017

Mrs. Meenu Verma,
W/o Shri K.K. Verma,
R/o L-193, Railway Colony,
Near Railway Hospital,
Jind (Haryana).

.. Petitioner

(By Advocate: Shri Yogesh Sharma)

Versus

1. Shri A.K. Puthia
General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Shri Arun Arora
Divisional Railway Manager,
Northern Railway, Delhi Division,
State Entry Road, New Delhi.
3. Shri Iranius Tirkey,
Divisional Personal Officer
Divisional Railway Manager's Office,
Northern Railway, Delhi Division,
State Entry Road, New Delhi.
4. Shri R.K. Verma, Secretary,
Ministry of Railways,
Railway Board, Railway Bhawan,
New Delhi. .. Respondents

(By Advocate: Shri S.M. Arif with Shri V.S.R. Krishna and
Shri Satpal Singh)

C.P. No. 298/2017

Smt. Geeta Rani,
 W/o Shri Rameshwar Yadav,
 R/o B-180, New Ashok Nagar,
 Delhi-110096.

.. Petitioner

(By Advocate: Shri Yogesh Sharma)

Versus

1. Shri A.K. Puthia
 General Manager,
 Northern Railway, Baroda House,
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 Divisional Railway Manager's Office,
 Northern Railway, Delhi Division,
 State Entry Road, New Delhi.
4. Shri R.K. Verma, Secretary,
 Ministry of Railways,
 Railway Board, Railway Bhawan,
 New Delhi. .. Respondents

(By Advocate: Shri S.M. Arif with Shri V.S.R. Krishna and
 Shri Satpal Singh)

C.P. No. 299/2017

Smt. Malika Deb Gupta,
 W/o Shri Sandip Biswas,
 R/o B-20, Ashoka Enclave-II,
 Sector-37, Faridabad.

.. Petitioner

(By Advocate: Shri Yogesh Sharma)

Versus

1. Shri A.K. Puthia
 General Manager,
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 Ministry of Railways,
 Railway Board, Railway Bhawan,
 New Delhi. .. Respondents

(By Advocate: Shri S.M. Arif with Shri V.S.R. Krishna and
 Shri Satpal Singh)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

O.A. No. 98/2014 with O.A. Nos. 107/2014 and 111/2014 of the applicants were disposed of by a common order dated 27.03.2015 of this Tribunal as under :

“4. In the facts and circumstances of the case, we allow these OAs and declare that the discrimination in granting the pay scales to the directly recruited Staff Nurses prior to 01.01.2006 and after 01.01.2006 is in violation of Articles 14, 16 and 39(d) of the Constitution of India. We, therefore, direct the Respondents to treat the Applicants at par with the Direct Recruit Staff Nurses appointed after 01.1.2006 and grant the PB 2 scale of Rs.9300-34800 with the grade of pay of Rs.4600 with effect from 01.01.2006 and fix their pay accordingly. The Applicants are also entitled for all consequential benefits including arrears of pay and allowances with up to date interest at rate applicable to GPF deposits. The aforesaid directions shall be complied with,

within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

Let a copy of this Order be placed in all the three cases.”

2. The writ petitions filed against the aforesaid common order were also disposed of by the Hon’ble High Court of Delhi in WP(C) No. 8058/2015 and batch vide order dated 04.11.2016 as under:

“14. Resultantly, the writ petitions are dismissed with the observation that the petitioners will pay to the respondents the minimum computation under clause (i) to clause (A) to Rule 7 and then compute the minimum pay applicable with reference to the pay band plus grade pay applicable to the revised pay scales as mentioned in section II of Part B of the First Schedule to the 2008 Rules. If the net resultant figure as per clause (ii) to Rule 7A is higher, then the respondents would be entitled to benefit of sub-clause (ii) to Rule 7 Clause (A) of the 2008 Rules.

15. This order will be implemented within 2 months from the date on which a copy of the order is received by the petitioners.

16. Pending CMs are also disposed of. No orders as to costs.”

3. Alleging non-implementation of the aforesaid orders, the applicants filed the instant batch of CPs.

4. The respondents vide their compliance affidavits and additional compliance affidavits categorically submitted that they have fully complied with the aforesaid orders of this Tribunal, as modified by the Hon’ble High Court, and paid the amounts payable under the orders to the applicants and, accordingly, prays for dismissal of the CPs.

5. Learned counsel for the petitioners, while not disputing the aforesaid facts, however submits that since the Hon’ble High Court

dismissed the writ petitions though made certain observations with regard to the payment to the applicants, it cannot be said that the Hon'ble High Court has modified the orders of this Tribunal in any manner, more particularly, the directions with regard to payment of interest.

6. The submission of the learned counsel for the petitioners cannot be accepted as the Hon'ble High Court, while dismissing the writ petitions, however, made certain observations with regard to payment of the amounts to the applicants in a particular manner. While doing so, admittedly, the Hon'ble High Court has not given any further direction with regard to payment of interest. Therefore, it cannot be said that the Hon'ble High Court has simply dismissed the writ petitions. In any event, it is admitted that the respondents have substantially complied with the orders of this Tribunal.

7. In the circumstances and in view of substantial compliance of the orders of this Tribunal, all the CPs are closed and notices are discharged. However, if the petitioners are having any other grievance, they may avail their remedies, in accordance with law, if they are so advised. No costs.

(Nita Chowdhury)
Member (A)

/Jyoti /

(V. Ajay Kumar)
Member (J)