

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**RA-59/2018 & CP-307/2018
in
OA-1226/2010
MA-1446/2018**

New Delhi, this the 31st day of August, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

RA No. 59/2018

1. Union of India, through,
Secretary, Department of Telecom,
Sanchar Bhawan, 20, Ashok Road,
New Delhi-110001.
2. Bharat Sanchar Nigam Ltd.,
Through its Chairman-cum-Managing Director,
Bharat Sanchar Bhawan,
Janpath, New Delhi-110001. ... Review Applicants
(through Sh. D.S. Mahendru)

Versus

1. A.K. Gupta,
S/o Sh. K.C. Gupta,
R/o N-120, 1st Floor,
Greater Kailash-I, New Delhi-110048.
2. Gurbax Singh,
S/o late Sh. Puran Das,
464, Dr. Mukharjee Nagar, Delhi-110009.
3. A.K. Nagar,
s/o late Sh. S.N. Nagar,
R/o E-1/8, Malviya Nagar,
New Delhi-110017. ... Respondents

CP-307/18

1. A.K. Gupta,
S/o Sh. K.C. Gupta,
R/o N-120, 1st Floor,
Greater Kailash-I, New Delhi-110048.

2. Gurbax Singh,
S/o late Sh. Puran Das,
464, Dr. Mukharjee Nagar, Delhi-110009.

3. A.K. Nagar,
s/o late Sh. S.N. Nagar,
R/o E-1/8, Malviya Nagar,
New Delhi-110017. ... Petitioners

Versus

1. Ms. Aruna Sundararajan,
Secretary,
Union of India, Department of Telecom Sanchar Bhawan,
20, Ashok Road, New Delhi-110001.

2. Mr. Anupam Shrivastava,
Chairman-cum-Managing Director,
Bharat Sanchar Nigam Ltd.,
Bharat Sanchar Bhawan,
Janpath, New Delhi-110001. ... Respondents

(through Sh. Yogesh Pachauri)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

RA-59/2018

This review is filed with a prayer to review the order dated 23.07.2016 passed by this Tribunal in OA No. 1226/2010. The applicants are the respondents in the OA.

2. Heard Sh. D.S. Mahendru, learned counsel for the applicants in RA.

3. The subject matter of OA No. 1226/2010 was the claim for payment of salary in HAG Scale. Brief facts are that the applicant in the OA, while in service, was entrusted with the duties of the post of Chief Engineer for certain period. He claimed salary attached to that post for that period. The department took a view that the arrangement was purely temporary and stop-gap in nature and the same would not entitle the employee to claim the salary of the higher post.

Following the judgment of Hon'ble Supreme Court in **Secretary-cum-Chief Engineer, Chandigarh vs. Hari Om Sharma & Ors, (1988) 5 SCC 87**, the OA was allowed. However, in the last paragraph of the order, it was mentioned that the applicant in the OA will be entitled to HAG (pre-revised 22400-525-24500). In the RA, it is submitted that the scale as mentioned above does not exist in the organisation and the one attached to the post of Junior Engineer was the scale of 23750-600-28550. In other words, the applicant in the OA was entitled to higher relief than what was granted to him.

4. The respondents filed WP(C) No. 3546/2017. One of the grounds urged was the factual error regarding Scale of Pay. Through its order dated 02.05.2017, the Hon'ble High Court permitted them to file a review to get the anomaly corrected.

5. Having regard to the facts and circumstances, we allow the RA and direct that in the last paragraph of the order dated 23.07.2016, in place of the figure "22400-525-24500" the figure of "23750-600-28500" shall be substituted.

CP-307/2018

This contempt case is filed as the respondents did not comply the order passed in OA No. 1226/2010 in its true letter and spirit. Today itself we have disposed of the RA ordering certain corrections. Therefore, the contempt case is closed.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/