

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

R.A. No. 54/2018 in
O.A. No. 1960/2014

The 4th day of February, 2019

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)

Govt. School Teachers Asso.
Delhi & Ors.

.. Review Applicants

(By Advocate : Shri Padma Kumar S.)

Versus

Union of India & Ors.

.. Respondents

(By Advocate : Shri K.M. Singh)

ORDER (ORAL)

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

O.A. 1960/2014 filed by the applicants was disposed of by this Tribunal on 31.01.2018 as under:

“7. It is not in dispute that the controversy involved in the present O.A. is squarely covered by the aforesaid judgment. This O.A. is accordingly allowed. The respondents are directed to fix the salary of the applicants at the entry level of Rs.17140/-w.e.f. 01.01.2006 and arrears be paid with effect from the date of filing of this O.A. within a period of three months from the date of receipt of certified copy of this order.”

2. This Tribunal disposed of the O.A. by following an earlier decision of this Tribunal, as upheld by the Higher Courts. The Govt. of India also, after considering the decisions passed by this Tribunal

as well as of the Higher Courts, on accepting the principle issued O.M. No.8-23/2017-E.IIIA dated 28.09.2018 granting the same benefit to all the eligible employees. The operative paragraph of the said O.M. reads as under:

“8. Accordingly, the President is pleased to decide that in respect of those posts where entry pay for direct recruits appointed on or after 1.1.2006, as per Section II of Part A of the First Schedule of CCS (RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of Central government employees who were appointed to such posts prior to 1.1.2006 and whose pay, as fixed in the revised pay structure under Rule 7 thereof as on 1.1.2006 turns out to be lower than the prescribed entry pay for direct recruits of that post, shall not be less than such entry pay w.e.f. 1.1.2006. Likewise, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 1.1.2006 and whose pay, as fixed under Rule 13 of CCS (RP) Rules, 2008, happens to be lower than the said entry pay, shall also not be less than such entry pay from the date of their promotion taking place on or after 1.1.2006.”

3. The applicants in the O.A. filed the instant R.A. by submitting that in all other identical cases, the directions were issued to the respondents to pay the arrears with effect from the date of eligibility, whereas this Tribunal while disposing of their O.A. No.1960/2014 limited the payment of arrears with effect from the date of filing of the O.A. only. Accordingly, the applicants filed the instant R.A. seeking review of the said order.

4. Learned counsel for the Review Applicants further submits that this RA is also filed seeking to correct the typographical mistake in the father's name of the 2nd applicant. The actual name

of the father of the 2nd applicant is Shri Zile Singh Yadav but the same was wrongly mentioned as Shri K.M. Gupta and he is seeking correction of the said mistake also.

5. Heard Shri Padma Kumar S., learned counsel for the review applicants and Shri K.M. Singh, learned counsel appearing for the respondents and perused the pleadings on record.

6. The learned counsel for the review applicants, while admitting that the Office Memorandum dated 28.09.2018 is subsequent to the disposal of the O.A., however, submits that unless the respondents are directed to pay the arrears on par with all others as per the said Memorandum, the respondents may not pay the same and the applicants will be put to irreparable loss and hardships.

7. It is the settled principle of law that any judgment passed or any other event occurred subsequent to the disposal of the case, cannot be a valid ground for reviewing the orders. Accordingly, we cannot review the order in so far as arrears are concerned, as no error apparent on that count is shown. However, we made it clear that this order shall not prevent the respondents from granting any benefit in excess of any court order including payment of arrears from any earlier date on par with all other similarly placed persons, if they are so advised.

8. In the circumstances, the R.A. is disposed of to the limited extent of correcting the father's name of the 2nd applicant as "Shri Zile Singh Yadav" in place of "Shri K.M. Gupta". No costs.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Jyoti /