

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3787/2013

Wednesday, this the 27th day of March 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Amit Kumar Sharma son of Shri Ved Prakash Sharma
r/o E-5/15, 33 Foota Road, Dayal Pur, Delhi
2. Basanti d/o Sh. Purshottam Bhat
r/o 327, Ajay Park, Najafgarh, Delhi
3. Surinder Kumar s/o Gyashi Ram
Servant Quarter No.1
Children Court, New Delhi
4. Hemraj Chandan s/o Sh. Dhira Lal
r/o B-2/44, Raghbir Nagar, New Delhi
5. Mahesh s/o Sh. Ram Chader
r/o E-6/15, 33 Foota Road,
Dayal Pur, Delhi
6. Pankaj s/o Sh. Ved Prakash
E-16/15 Dayal Pur, New Delhi
7. Vineet Singh s/o Sh. C S Negi
Servant Quarter No.1
Children Court, New Delhi

...Applicants

(Mr. U Srivastava, Advocate)

Versus

Govt. of NCT of Delhi through

1. The Secretary
Department of Social Welfare
Govt. of NCT Delhi, GLNS Building
Delhi Gate, New Delhi
2. The Joint Director (Tech.)/HOO
Department of Women and Child Development

1 Canning Lane, K G Marg
New Delhi

3. The Director
Women and Child Development
1 Canning Lane, K G Marg, New Delhi

...Respondents

(Mr. Kapil Agnihotri, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicants were appointed on contractual basis as Attendants by the Department of Women & Child Development, Govt. of NCT of Delhi in the year 2007. Initially they were being paid consolidated amount, as salary. However, in view of the developments, that have taken place in law, the respondents have extended the benefit of minimum of the pay scale for the applicants and other employees appointed on contractual basis. An order dated 05.08.2011 was issued extending the benefit of minimum scale of pay to the applicants, w.e.f. 01.01.2011. Shortly thereafter, an order dated 12.01.2012 was issued proposing to extend the benefit w.e.f. 01.08.2010. That, however, was withdrawn vide order dated 01.02.2012.

2. The applicants filed O.A. No.745/2012 challenging the order dated 01.02.2012. The O.A. was disposed of on 05.03.2012 directing that the respondents shall issue show cause notice to the applicants before any step, adverse to the interest is taken. It is brought to our notice that a show cause notice was issued and the

applicants have also submitted their explanation. The matter is pending at that stage.

3. This O.A. is filed with a prayer to direct the respondents to extend the benefit of enhanced salary w.e.f. 01.08.2010, in terms of order dated 12.01.2012.

4. The respondents filed counter affidavit opposing the O.A. It is stated that once the order dated 12.01.2012 was not implemented at all and when a show cause notice, as directed in O.A. No.745/2012 was given, the question of extending the benefit thereunder does not arise. It is also stated that the claim for payment of enhanced salary w.e.f. 01.08.2010 is totally untenable.

5. We heard Mr. U Srivastava, learned counsel for applicants and Mr. Kapil Agnihotri, learned counsel for respondents.

6. This appears to be a fourth round for the applicants to approach this Tribunal, on one pretext or the other. The first case filed by the applicants is O.A. No.607/2009 against the notice of termination dated 04.12.2008, and the second, being O.A. No.745/2012, was filed challenging the order dated 01.02.2012. The third is O.A. No.2627/2016, claiming allowances, in terms of judgment of this Tribunal in **Raj Rani Chachra & others v. Govt. of NCT of Delhi & others** (O.A. No.851/2009 decided on 16.09.2009). That was disposed of on 17.10.2018 observing that the benefit of minimum pay scale and DA has already been

extended to the applicants. The present O.A. is filed claiming the enhanced salary w.e.f. 01.08.2010.

7. We find it difficult to grant the relief as prayed for. The reason is that the only basis for claiming the benefit w.e.f. 01.08.2010 is the order dated 12.01.2012 and admittedly, that was withdrawn on 01.02.2012. Challenging that, the applicants filed O.A. No.745/2012 and on direction being issued therein, a show cause notice was issued to the applicants as to why the said order be not withdrawn. Explanation is submitted and the respondents are yet to pass final orders.

8. We cannot direct the respondents to extend the benefit in terms of order dated 12.01.2012 unless the final orders are passed on the basis of the show cause notice.

9. We, therefore, dismiss the O.A. However, the respondents are directed to finalise the matter 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.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 27, 2019
/sunil/