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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4537/2017 & C.M. No. 19801/2017**
SATYAVEER SINGH AND ORS Petitioners

Through: Ms. Rashmi Chopra, Advocate.

versus

CHIEF SECRETARY, GNCTD AND ORS Respondents

Through: Mr. Gautam Narayan, ASC along with
Mr. R.A. Iyer, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

23.05.2017

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Issue notice. Mr. Gautam Narayan, Advocate accepts notice on behalf of the respondents. With consent, we proceed to dispose of the matter at this stage.

The petitioners have preferred the present writ petition to assail the order dated 03.02.2017 passed by the Central Administrative Tribunal (CAT) in Original Application No. 3885/2014. The Tribunal has rejected the said OA preferred by the petitioners by entirely placing reliance on its earlier order in OA No. 2558/2014. The Tribunal has noted in the impugned order that in respect of the order passed in OA No. 2558/2014, the writ petition was pending before this Court. However, since there was no stay granted to the writ proceedings arising out of O.A No. 2558/2014, the Tribunal rejected the OA of the petitioners, in terms of the order passed in OA No. 2558/2014.

The decision rendered by the Tribunal in OA No. 2588/2014 has since been reversed by this Court in W.P.(C) No. 1201/2016 in

Vedwanti & Ors vs. Chief Secretary Govt. of NCT of Delhi and Anr
decided on 07.03.2017.

The operative part of the said decision reads as follows:-

“3. In view of the aforesaid legal position, we hold that the petitioners herein would be entitled to minimum of basic pay + grade pay + DA+HRA and TA. Learned counsel for the petitioners states that the other contractual employees are also being given advantage or benefit of Earned Leave. She relies on the order dated 1.10.2015 passed by the GNCTD whereby two additional benefits, i.e. 15 days Earned in each case and maternity leave as applicable to regular employees has been granted. The respondents having passed the said orders will be bound by the same.

4. The writ petition is accordingly allowed, to the extent indicated above. The aforesaid payments would be effective from the date OA No. 2558/2014 was filed. Petitioner No. 7, namely, Manoj Dabas, during the pendency of the present writ petition, had resigned from the post of Worksheet instructor in CBPEC. He would be paid arrears only upto the date he had worked. Compliance would be made within a period of 8 weeks from the date a copy of this order is received. In case payments are delayed beyond eight weeks, the petitioners will be entitled to interest @ 8% p.a. from the date of this order till payments are made.”

Learned counsel for the petitioners submits that reliefs sought in clause (e) of the present writ petition viz. *“To grant the benefits of 7th Pay Commission w.e.f. 01.01.2016”* was not sought before the Tribunal. She further submits that prayer (f) made before the Tribunal in the O.A. which reads *“(f) to direct the Respondents to pay the Applicants salary for the month of vacations for which they are ready to discharge their duties and or in alternate to compensate them for*

such period”, is not covered by the relief granted by this Court in W.P.(C) 1201/2016, since the said relief was not sought in the O.A. 2558/2014.

Learned counsel for the petitioners, on instruction, states that the petitioners are not pressing prayer (e) in the OA, which is same as prayer (f) in the writ petition.

Accordingly, the present writ petition is allowed in terms of the decision of this Court in W.P.(C) 1201/2016. The petitioners shall be entitled to the same reliefs as granted to the writ petitioners in W.P.(C) 1201/2016.

Accordingly, the present writ petition is allowed in terms of the decision of this Court in W.P.(C) 1201/2016. The petitioners shall be entitled to the same relief as granted to the writ petitioners in W.P.(C) 1201/2016.

It shall be open to the petitioners to make their representation in respect of prayer (f) sought in OA, as well as prayer (e) sought in the writ petition. In case the representation is made, the same shall be decided within one month of its being made. In case petitioners are still aggrieved, it shall be open to them to approach the Tribunal afresh.

The writ petition is disposed of in the above terms.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 23, 2017/ss