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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13501/2018

SH. A.K. NAGAR ..... Petitioner

Through: Mr. Vinay Sabharwal, Advocate.

versus

UNION OF INDIA AND ANR. .... Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC  
with Mr. T.P. Singh, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE A. K. CHAWLA**

**ORDER**

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**14.12.2018**

**CM APPL. 52630/2018**

Exemption allowed, subject to all just exceptions. Application stands disposed of.

**W.P.(C) 13501/2018 and CM APPL. 52629/2018**

The submission of Mr. Sabharwal, learned counsel for the petitioner, is that when the Original Application was allowed vide order dated 23.07.2016, the Central Administrative Tribunal, Principal Bench, New Delhi (in short 'Tribunal') had directed the respondents to grant pay to the petitioner in the Higher Administrative Grade (pre-revised 22,400-525-24,500) with effect from the date of his entitlement i.e. when he actually held the additional duties of the higher post. He points out that the said pre-revised scale corresponds to the scale 25,000-650-30,200. In this regard, he places reliance on the consolidated general terms and conditions for

absorption of Group 'A' Officers in MTNL/BSNL contained in the communication dated 04.10.2005. The petitioner states that he has exercised this option pursuant to these terms and conditions. Mr. Sabharwal, learned counsel for the petitioner submits that the Tribunal allowed the Review Application without granting an opportunity to the petitioner to place on record the said terms and conditions and consequently, the Tribunal has held that the petitioner shall be entitled to the higher scale of 23,750-600-28,500, which corresponds to the pre-revised scale of 18,400-500-22,400.

Issue notice.

Mr. Ripu Daman Bhardwaj, CGSC for Union of India, accepts notice on behalf of respondents.

In view of the submission made by the petitioner, we set aside the impugned order and remand the Review Application back to the Tribunal for re-hearing. In the meantime, the petitioner shall file response to the Review Application within two weeks from today.

List the matter before the Tribunal on 17.01.2019.

Petition as well as application stands disposed of accordingly.

**VIPIN SANGHI, J**

**A. K. CHAWLA, J**

**DECEMBER 14, 2018**

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