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

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W.P.(C) 14021/2019

UNION OF INDIA & ORS

..... Petitioners

Through: Mr. Arun Bhardwaj, CGSC with Mr. Nikhil  
Bhardwaj, Advocate.

versus

GEORGE F. MILTON

..... Respondent

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**HON'BLE MS. JUSTICE ASHA MENON**

**ORDER**

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**03.01.2020**

**C.M. Nos.55990-55991/2019 (for exemption)**

Allowed, subject to all just exceptions.

**W.P. (C) No.14021/2019 & C.M. No.55989/2019 (for stay)**

1. The petitioners impugn order dated 05.02.2018 whereby the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal' for short) has been pleased to direct as follows :-

*“11. In the relief claimed, the applicant himself has only asked for notional fixation in the pay scale of Rs.2200-4000 w.e.f. 01.01.1986 with all consequential benefits as given to all other similarly placed person. In clauses-b & c, he has asked for increments to be fixed notionally in the pay scale of Rs.2200-4000 from 1986 to 1992 and for his pension to be fixed notionally as per pay drawn by him in the pay scale of Rs.2200-4000 as on 31.08.1992 i.e. the date when he superannuated. Keeping in view the facts of the case all the three benefits are admissible and accordingly allowed to the applicant. However, the actual benefits of pension, notionally fixed*

*in pay scale of Rs.2200-4000 w.e.f. 01.01.1986 will accrue to the applicant, only 3 years prior to filing of the OA, alongwith interest, at GPF rates.”*

2. Briefly stated, the respondent had worked as Physiotherapist at petitioner No.3/Dr. Ram Manohar Lohia Hospital from 1959 till 1992; and had claimed benefits of the 4<sup>th</sup> and 5<sup>th</sup> Central Pay Commissions by filing an O.A. before the Tribunal in 2016.

3. Mr. Arun Bhardwaj, learned CGSC appearing on behalf of the petitioners contends that the only error in the impugned order is that the pay-scales specifically mentioned in the impugned order, in particularly in para 11 extracted above, were not even applicable at the relevant time. It is contended that the respondent had retired before these pay-scales became applicable, since the respondent retired in 1992 whereas the pay-scales in question came into effect only in 1996. It is stated that the petitioners have no objection otherwise to granting benefits in terms of the impugned order, except that such benefits can be granted only on the pay-scales applicable at the relevant time.

4. Considering the nature of the grievance, after some submissions, Mr. Bhardwaj seeks leave to withdraw the present petition with liberty to move a review application before the Tribunal. Mr. Bhardwaj states however that in the meantime, Contempt Petition No.691/2018 has been entertained and is being proceeded with on the assumption that there has been a breach of the orders of the Tribunal.

5. In the circumstances, the present writ petition is disposed of granting to the petitioners the liberty to file an appropriate review

application before the Tribunal within two weeks from today; and it is directed that if such review is filed within two weeks, the same will be decided by the Tribunal on merits, notwithstanding that the order under review is of 05.02.2018. It is further directed that subject to filing of the review petition within the time granted as aforesaid, no further proceedings shall be conducted in Contempt Petition No.691/2018.

6. The petition and the pending application are disposed of accordingly.

7. *Dasti.*

**ANUP JAIRAM BHAMBHANI**  
**(VACATION JUDGE)**

**ASHA MENON**  
**(VACATION JUDGE)**

**JANUARY 03, 2020**  
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