

\$~31

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

Date of decision: 12th February 2020

+ W.P.(C) 1605/2020

DALJIT KUMAR & ORS.

..... Petitioners

Through: Mr. Devendra Kumar Gupta,
Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Abhay Kumar Sahay, CGSC with
Ms. Shritu Anand & Ms. Manu Singh,
Advocates
Mohd. Faisal, Advocate for MTNL

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

G.S.SISTANI, J. (ORAL)

CM APPL.5637-5638/2020 (exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 1605/2020

The Contempt Petition filed by the petitioner was dismissed by the Central Administrative Tribunal ('Tribunal', for short) vide order dated 08.11.2019 which has led to the filing of the present writ petition. Learned counsel for the petitioner submits that without substantial compliance by the

respondent, the Tribunal has decided to close the contempt proceedings.

2. In this case, the petitioner had filed OA No.1833/2018 which was decided by order dated 09.05.2018 and the following directions were passed:-

"5. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the other merits of the case, by directing the respondents to consider Annexure A-1 to Annexure A-8 representations of the applicants and to pass appropriate speaking and reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a certified copy of this order. No order as to costs."

3. Thereafter respondent No.2/BSNL passed speaking orders, all dated 04.09.2019, in the case of each of the petitioners in exactly the same terms (except the particulars of the concerned petitioner), paras 4, 5 and 6 of the speaking order, the extract being taken from the case of Shri J Subramanian reads as under:-

"xxx xxx xxx

(iv) Considering the above factual position, it emerges that the applicant, Sh. J Subramanian is eligible for promotion to the grade of DE in 2001. However, the applicant Sh. J Subramanian stood already promoted in DE grade w.e.f. 25.07.1994 i.e. much prior to his entitlement.

(v) Since the applicant, Sh. J Subramanian stands retired on superannuation on 31.08.2005, no recovery of dues is being carried out on account of his promotion to DET grade.

(vi) In view of foregoing position, no consequential benefits of pay fixation including any pensionary benefit to

Sh. J Subramanian will be accrued in terms of the aforesaid judgment of Apex Court. Hence, payable amount is NIL.

xxx xxx xxx"

4. Learned counsel for the petitioner submits that the petitioner is more than 73 years of age and, to put a quietus to the matter, is willing to accept the same benefits which have been provided to Shri P.N. Lal and Shri Biswanath Pradhan, who were junior to him.

5. Mr. Abhay Kumar Sahay, learned Standing Counsel submits that he would examine the matter as to whether the petitioner can be granted the same benefits which were granted to Shri P.N. Lal and Shri Biswanath Pradhan.

6. Let this aspect of the matter be considered by the respondent within four weeks from today ; and the petitioner be informed about the same immediately thereafter.

7. Needless to say, if the petitioner is aggrieved by the speaking order, the petitioner would be at liberty to assail the same in accordance with law.

8. The petition stands disposed of in above terms.

G.S.SISTANI, J.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 12, 2020/vk