

\$~17 (2021 list)

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

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Date of decision: 28.10.2021

+ **W.P.(C) 11203/2021 and CM APPL. 34488/2021**

RUDRA PAL SHARMA & ANR.

..... Petitioners

Through: Mr Puneet Kumar Verma, Advocate.

versus

BHARAT SANCHAR NIGAM LIMITED & ANR. Respondents

Through: Mr R.V. Sinha with Mr Amit Sinha,
Advocates.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE TALWANT SINGH

[PHYSICAL COURT HEARING]

RAJIV SHAKDHER, J.: (ORAL)

1. On the previous date i.e., 01.10.2021, we had passed the following order:

“1. The petitioners, who were employed with the then Department of Post and Telegraph [now, Department of Post], under the administrative control of Ministry of Communications, Government of India, were sent on deputation to Bharat Sanchar Nigam Limited (BSNL) under sway of the Department of Telecommunications.

1.1. The petitioners were, ultimately, absorbed in BSNL, albeit, with effect from 14.02.2005, via a decision taken, in that behalf, on 30.9.2000.

2. The petitioners are aggrieved, as their pay was not fixed in consonance with the provisions of “GIO (10) below

Fundamental Rule (FR) 22 [i.e., Government of India instruction, dated 20.1.1970]”.

3. In support of their plea, the petitioners seek to place reliance on two expert committee reports, dated 05.02.2016 and 30.4.2019. Unfortunately, these reports were not made available to the Central Administrative Tribunal (in short ‘the Tribunal’) by the petitioners.

3.1 The petitioners have now filed an application i.e., CM No.34488/2021, for bringing the same on record.

4. Mr Puneet Kumar Verma, counsel for the petitioners, states that, the copy of the instant writ petition was served, in advance, on the respondents.

4.1 However, there is no representation on behalf of the respondents.

5. Prima facie, we are of the view that, the matter may have to be remanded to the Tribunal for reconsideration, in light of the abovementioned expert committee reports, dated 05.02.2016 and 30.04.2019.

6. Issue notice to the respondents, via all permissible modes, including e-mail.

7. List the matter on 28.10.2021.”

2. Mr R.V. Sinha has entered appearance on behalf of the respondents today.

2.1. Mr Sinha says that, the best way forward in the matter would be, to permit the petitioners to file a review petition.

2.2. Mr Sinha also says that, if a review petition is filed by the petitioners, the respondents will not oppose the same, on the ground that, it is barred by limitation/delay and laches.

3. Having regard to the submissions made by Mr Sinha, the writ petition is disposed of, with liberty to the petitioners to prefer a review petition with the Central Administrative Tribunal [in short, “the Tribunal”].

3.1. The Tribunal will decide the review petition on merits, after hearing

both sides.

3.2. In deciding the review petition, the two expert committee reports, [which are referred to in the order dated 01.10.2021, extracted hereinabove] dated 05.02.2016 and 30.04.2019, will be taken into account, and the impact, if any, the said reports would have on the order impugned in the instant writ petition i.e., order dated 10.11.2020, passed by the Tribunal in O.A. No.1516/2020 would be ascertained,

3.3. The petitioners will file the review petition at the earliest, but not later than three weeks from the date of the receipt of a copy of this order.

4. Needless to add, the review petition will be decided on merits, and without being influenced by any observation made by us hereinabove.

5. Consequently, pending application shall also stand closed.

6. Parties will act based on the digitally signed copy of the order passed today.

7. The case papers shall stand consigned to record.

RAJIV SHAKDHER, J.

TALWANT SINGH, J.

OCTOBER 28, 2021

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Click here to check corrigendum, if any