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

+ **CONT. CAS(C) 7/2014 & C.M. 3265/2014**

BINU BALA

.....Petitioner

Through: Ms. Isha Khanna & M. Anam
Ahmad, Advocates with petitioner in Person

Versus

N R BISHNOI & ORS.

..... Respondents

Through: Mr. Kirtiman Singh, CGSC for
respondent- UOI
Mr. Saket Sikri & Mr. Ajay Pal Singh,
Advocates for respondents No. 3 and 4

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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27.04.2018

Vide order of 6th September, 2012, a Division Bench of this Court had directed reinstatement of petitioner with 50% back wages.

Learned counsel for petitioner submits that petitioner has been reinstated in August, 2013 and the calculation of back wages is on stagnant basic pay, which is not in compliance with aforesaid decision.

Learned counsel for respondents- Department of Telecommunication (DoT) and Mahanagar Telephone Nagar Nigam Ltd. (MTNL) maintain that compliance of order of 6th September, 2012 has been made.

Upon hearing and on perusal of order of 6th September, 2012 and Communication of 13th January, 2014, *Annexure R-3/9 colly* to the reply filed by third respondent, I find that the calculation of 50% of the back



wages has been made by respondent-MTNL on stagnant basic pay of ₹1100/- from the year 1993 till the year 2013 which cannot be done. It goes without saying that annual increment and other benefits have to be added in the basic pay.

Let respondent –MTNL, in concurrence with respondent-DoT, file a compliance affidavit within a period of six weeks after recalculating 50% of the back wages by adding annual increments to the basic pay along with other benefits petitioner is entitled to.

Compliance of order of 21st April, 2016 with regard to medical card/ medical benefits be also made before the next date of hearing.

List on 13th August, 2018.

SUNIL GAUR, J

APRIL 27, 2018

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