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

+ **CONT.CAS(C) 7/2014**

BINU BALA

..... Petitioner

Through: Ms.Isha Khanna, Advocate with
Petitioner in person

versus

N R BISHNOI & ORS

..... Respondents

Through: Ms.K.Gayatri, Advocate for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.05.2019

1. This contempt petition alleges contempt of the order of the Division Bench dated 06.09.2012 by which it was directed that the petitioner will be reinstated in service and given 50% of back wages. During the course of contempt proceedings this Court had passed an order dated 27.04.2018, to the following effect:-

“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.

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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.”

2. The respondents have filed an affidavit dated 28.09.2018, in which it is contended that the order of the Division Bench, read with the above order dated 27.04.2018, has been complied with.
3. The petitioner has filed a reply dated 15.01.2019 raising four specific grievances which, according to the petitioner, demonstrate that she has not been given all the benefits to which she is entitled, while computing the back wages. The respondents are directed to respond to each of the four points contained in paragraph 8 of the petitioner's reply dated 15.01.2019 and to support their contention that she is not entitled to those benefits with copies of the relevant records. The affidavit shall be filed within four weeks from today, and any records upon which the respondents seek to rely shall be annexed with the affidavit.



4. By orders dated 21.04.2016 and 19.05.2016, it was directed that the respondents should produce the records relating to persons similarly situated, in view of the petitioner's contention that her back wages were being computed in a manner that was inconsistent with other employees. The affidavit to be filed by the respondent shall also deal with this contention, as well the petitioner's grievances regarding her medical facilities, which have been raised in the reply.
5. My attention is also drawn to the fact that the petitioner has not accepted a medical group insurance facility offered by MTNL as she is insistent upon availing only of CGHS facility, to which employees of the Department of Telecommunication are entitled. It is made clear that the petitioner may complete the formalities for obtaining medical insurance cover through MTNL without prejudice to her rights.
6. List on 16.09.2019.

PRATEEK JALAN, J

MAY 15, 2019

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