

(4)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP-122/2005
OA-3093/2002

New Delhi this the 19th day of April, 2005

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

1. Sudesh Kumar
ASI (Ministerial), No.214/D
S/o late Narendra Dev Sharma,
R/o B-8, Old Police Lines,
Rajpur Road, Delhi.
2. Mohan Lal,
ASI (Ministerial) No.2439(now SI)
S/o late Shri Shanker Dutt Sharma,
R/o H.No.75,
Police Station, Geeta Colony,
Delhi.
3. Satender Pal,
ASI (Ministerial), No.4389/D
S/o late Manohar Lal,
R/o 290, Jheel Kuranja,
Delhi.

-Applicants

(By Advocate: Shri Sachin Chauhan)

Versus

1. Shri Dhirendra Kumar
Union Home Secretary,
Government of India,
Ministry of Home Affairs,
North Block, New Delhi.
2. Shri S. Reghunathan,
Chief Secretary,
Govt. of NCT of Delhi,
5th Level, 'C' Wing,
Delhi Secretariat, I.P. Estate,
New Delhi.
3. Dr. K.K. Paul,
Commissioner of Police,
Delhi Police Hdqrs.,
MSO Building, I.P. Estate,
New Delhi.
4. Shri Alok Kumar.
Deputy Commissioner of Police,
Headquarters, MSO Building,
I.P. Estate, New Delhi.

-Respondents

ORDER (Oral)

(5)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

OA-3093/2002 was decided vide order dated 8.12.2003 (Annexure CP-1) with the following observations/directions to the respondents:-

"5. In the facts of the present case, it is patent that on implementation of the report of 5th Central Pay Commission when the scale of the applicants had been fixed at Rs.1000-6000/-, their pay was reduced by Rs.34/- per month. This fact is not being controverted.

6. The Office Memorandum of 6.2.1998 does refer to such a situation. It clearly provides that where the Departmental Anomaly Committee receives the anomaly through the Secretary, Staff Side or otherwise, it will dispose of the matter. In the present case, the matter has not been referred to the Anomaly Committee instead respondent No.1 has passed the impugned order, which we have reproduced above.

7. It is somewhat strange that not only the matter was not so referred to the Anomaly Committee, but despite there being reduction in the pay scale of the applicants, without considering that aspect, the wrong is being perpetuated. We hasten to add that this Tribunal is not giving any directions as to what pay scale has to be given and how the matter has to be dealt with. This is for the reason that it is within the domain of the concerned Ministry. But the sequence of events, which we have referred to above, clearly shows that the pay of the applicants had been reduced, non-speaking order had been passed and grievance not dealt with in the manner prescribed.

8. Resultantly, the petition is allowed and the impugned order is quashed. We direct the respondents to re-consider the matter in accordance with law".

2. Learned counsel stated that respondents have passed order dated 29.3.2004 in compliance of Tribunal's directions. However, while the Tribunal in its order dated 8.12.2003 had found that applicant's pay had been reduced and this fact was not controverted, now in orders dated 29.3.2004, respondents have stated that applicant's pay has not been reduced.

3. We have perused the Tribunal's orders carefully. We find that although the Tribunal had made an observation that applicant's pay was not reduced, ultimately after deliberating upon the contentions of both sides, it was stated that Tribunal is not giving any directions as to the pay scale as also the manner in which the matter had been dealt with by the respondents. It was further found that applicant's pay had been reduced by a non-speaking order. Respondents were directed to re-consider the matter in accordance with law.



4. It was noticed from respondents' orders dated 29.3.2004 that while applicant's pay was Rs.4034/-, it was fixed at Rs.4100/- in the pay scale of Rs. 4000-6000. To our query, as to how much amount the applicant ~~was~~ ^{was} ~~had~~ ^{had} ~~had~~ ^{had} drawing ~~was~~ ^{was} learned counsel could not furnish any information.

5. In our view, respondents have passed a speaking order through order dated 29.3.2004 and now the applicant is raising a contentious issue which is beyond the scope and ambit of a contempt petition. As such, this contempt petition is dismissed in limine. If the applicant is still aggrieved, he has liberty to resort to legal course other than the contempt petition.



(Meera Chibber)
Member (J)



(V.K. Majotra)
Vice Chairman (A)

19.4.05

cc -