

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

C.P./100/411/2019  
O.A./100/1663/2015

New Delhi, this the 3rd day of February, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

Anil Kumar Kakkar, Superintendent (Retd.)  
Aged about 66 years  
S/o Shri Krishan Dutt,  
R/o 1091, GH-13, Paschim Vihar,  
New Delhi-110087

...Petitioner

(Through Shri Suresh Sharma for Shri M.D. Jangra, Advocate)

Versus

1. Sh. Rajeev Kumar  
Secretary,  
Ministry of Finance,  
Department of Revenue  
North Block, New Delhi-110001
2. Sh. Sushil Kumar Sawhney,  
Chief Commissioner of Central Excise & Service Tax  
Delhi Cadre Control Unit  
C.R. Building, I.P. Estate,  
New Delhi-110019
3. Sh. Amandeep Singh,  
Addl. Commissioner of Customs  
IGI Airport, Airport Terminal - 3  
New Delhi
4. Ms. Anubhya Sinha  
Joint Commissioner of Customs  
IGI Airport, New Delhi
5. Sh. K.K. Sharma,  
Pay & Accounts Officer  
New Custom House,  
Near I.G.I. Airport,  
New Delhi

... Contemnors/Respondents

(Through Shri D.S. Mahendru, Advocate for respondent 5  
Shri Aamir Sheikh for Shri Hanu Bhaskar, Advocate for  
respondents 1-4)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman



The applicant retired from the service of Department of Revenue, Central Board of Excise and Customs, as Superintendent. After his retirement, he submitted a representation stating that his junior, one Shri S.S. Kataria, was drawing higher emoluments and that his pay needs to be stepped up. It is stated that the representation made by the applicant was dealt with and the Additional Commissioner of Delhi Cadre Zone addressed a letter dated 14.10.2014 to the higher authority in this behalf, and the issue was ultimately referred to the DoP&T for their opinion.

2. The applicant filed OA 1663/2015, challenging the letter dated 14.10.2014. According to him, once the Additional Commissioner has taken a view, it ought to have been implemented, instead of referring it to other department. The OA was disposed of on 4.09.2018 directing the respondents to give finality to the issue, within a period of six weeks from the date of receipt of a copy of the order.

3. This contempt case is filed, alleging that the respondents did not implement the direction issued in the OA.

4. On behalf of respondent no.5 i.e. the Pay and Accounts Officer, it is stated that the matter was taken to the DoP&T, in compliance with the direction issued by this Tribunal and on 6.11.2019, the DoP&T has taken a view that there was no need to step up the pay of the applicant, on the ground that he did not satisfy the conditions stipulated for upgradation of pay, at par with the junior.



5. We heard Shri Suresh Sharma for Shri M.D. Jangra, learned counsel for the applicant, Shri D.S. Mahendru, for respondent 5 and Shri Aamir Sheikh for Shri Hanu Bhaskar, for respondents 1 to 4.

6. The only direction given in the OA was to give finality to the issue. Though, no formal order is passed by the respondents, they gave finality to the issue. Even on merits, it is evident that the only basis for the applicant to claim stepping up of pay is that his junior was drawing higher amount of pay on account of MACP.

7. It is fairly well settled that if the disparity in the pay structure of senior and junior is on account of the junior being extended the benefit of ACP/MACP, there would not be any basis for stepping up of the pay. We do not find any

merit in the Contempt Petition. Accordingly, it is closed.

There shall be no order as to costs.



(Aradhana Johri)  
Member (A)

/dkm/

(Justice L. Narasimha Reddy)  
Chairman