

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No. 5 of 2003

IN

O.A. No.1365 of 2001

New Delhi, this the 28th day of May, 2003

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)
HON'BLE SHRI C.S. CHADHA, MEMBER (A)

1. Mrs. Sara Kutty
Wife of Shri
Aged about years
Resident of D-378, MIG Flats,
Pratap Vihar, Ghaziabad.
2. Mr. Virendra Pal
Son of Shri Malkhan Singh,
Aged about 48 years,
Resident of A-178, Gali No.4,
100 Fulla Road, Kabir Nagar,
Delhi.

....Petitioners

(By Advocate : Shri Rajeev Sharma)

Versus

Mr. R.K. Singh
General Manager,
Northern Railway, Baroda House,
New Delhi-110001.
(By Advocate : Shri R.L. Dhawan)

...Respondent

ORDER (ORAL)

SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J) :

Heard both learned counsel for the parties in
CP 5/2003.

2. Learned counsel for respondent submits that the directions of the Tribunal contained in the order dated 5.3.2001 in OA 1365/2001 have been complied with, with respect to promotion and fixation of pay of the two applicants in that OA. However, Shri Rajeev Sharma, learned counsel for petitioners submits ^{that} with regard to the notice dated 17.4.2003, copy placed at

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Annexure R-6 of the Supplementary Affidavit filed by the respondent dated 28.4.2003, there is a mistake with regard to fixation of pay of applicant No.2, Shri Virendra Pal, Clerk-cum-Typist in the grade of Rs.3050-4590 (RPS). According to him, this applicant is senior to applicant no.1, Smt. Sara Kutty whose pay has been fixed at Rs.1010/- w.e.f. 1.2.1992, whereas applicant no.2's pay has been fixed at Rs.990/- on the same day. Shri R.L. Dhawan, learned counsel submits that if a representation is made by applicant no.2 to this effect, the same would be looked into by the respondents in accordance with the relevant rules and instructions and necessary action for correction, if any, will be taken thereafter.

3. In the facts and circumstances of the case, we are unable to come to a conclusion that respondent has in any way willfully or contumaciously disobeyed the Tribunal's order dated 5.3.2002, although there has been some delay for which he has tendered his unconditional apology which we accept. However, noting the above submissions of the learned counsel, with regard to mistake in fixation of pay of applicant no.2 as on 1.2.1992, we consider it appropriate to allow him to submit a representation to respondents within 10 days from the date of receipt of a copy of this order. If such a representation is received by the respondents, they shall consider the same in accordance with the relevant rules and instructions and make

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necessary changes, if required, within a period of two months thereafter.

4. With these observations, CP 5/2003 is dismissed. Notice issued to the alleged contemnor is discharged. File be consigned to the record room.


(C.S. CHADHA)
MEMBER (A)


(SMT. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN (J)

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