

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 20/2002 in  
OA 1368/1999

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New Delhi this the 10th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri M.P. Singh, Member (A)

1. Shri Daya Ram  
S/O Shri Jiwa Ram  
R/O Mohalla Kailash Nagar,  
Firozabad (UP)
2. Shri Ganga Singh  
S/O Shri Jiwa Ram  
R/O Mohalla Kailash Nagar,  
Firozabad (UP)
3. Shri Gyan Singh  
S/O Shri Jiwa Ram,  
R/O Mohalla Kailash Nagar,  
Firozabad (UP)
4. Shri Sultan Singh  
S/O Shri Jiwa Ram,  
R/O Mohalla Kailash Nagar,  
Firozabad (UP)
5. Shri Ram Sewak  
S/O Shri Sunder Singh.  
R/O Vill. Nagra Chattu,  
Firozabad (UP)
6. Shri Yad Ram  
S/O Shri Hulam Singh,  
R/O Vill. Nagra Chattu,  
Firozabad (UP)

..Petitioners

(By Advocate Shri P.S. Mahendru )

VERSUS

1. Shri S. Dasrathy,  
General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. Shri A.P. Mishra,  
Divisional Railway Manager,  
Northern Railway, State Entry  
Road, New Delhi.
3. Shri Ram Gopal Sharma,  
Divisional Personnel Officer,  
D.R.M. Office, Northern Railway,  
State Entry Road, New Delhi.

..Respondents

(By Advocate Shri V.S.R. Krishna )

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O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

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We have heard, Shri P.S.Mahendru, learned counsel for the petitioners and Shri V.S.R.Krishna, learned counsel for the respondents in CP 20/2002 in OA 1368/1999.

2. In Tribunal's order dated 18.12.2000, OA was disposed of with a direction to respondents to extend the benefits contained in Paras 3 and 4 of the respondents order dated 21.6.1997 to applicants in OA, subject to the outcome of any SLP which the respondents may have filed or intend to file. Shri V.S.R.Krishna, learned counsel for the respondents has submitted that the aforesaid orders have been fully complied with. This has, however, been disputed by Shri P.S.Mahendru, learned counsel who has submitted that as per the directions contained in the aforesaid order of the Tribunal, the respondents ought to have fixed the applicant's pay in the revised pay scale of Group 'C' which was in the earlier pay scale of Rs.950-1500 as Rs 3050-4590, which has not been done. Shri V.S.R Krishna, learned counsel has submitted that this is not the position and the applicants' pay has been protected by granting them special pay in accordance with the provisions of Paras 3 and 4 of the aforesaid letter dated 21.6.1997.

3. We have carefully considered the submissions made by the learned counsel and the relevant papers on record.

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4. The relevant portion of Para 4 of the letter issued by the respondents dated 21.6.1997 reads as follows:-

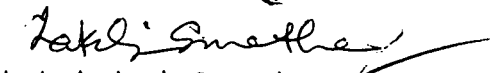
" In compliance of the directives of the Hon'ble CAT/New Delhi, it has been decided to grant temporary status already achieved by them in Group 'C' post in PQRS Organisation, as a provisional measure, especially in view of the fact that the PQRS Organisation has been closed. Accordingly, they should be utilised against the existing vacancies of Fitters, Grade Rs.950-1500 (RPS). They will be regularised against available vacancies of group 'C' whenever their turn comes in accordance with their seniority after holding the selection/ trade test, as the case may be, under rules. Their pay may be allowed to continue which they were drawing before joining Delhi Division. The arrears of difference of pay they would have drawn had they been continued in Grade Rs.950-1500 be paid to them immediately".

5. In the rejoinder filed by the petitioners the pay of applicant No.1 is annexed from which it is seen that the applicant has been granted pay of Rs.3200/-PM plus special pay of Rs.450/-.

6. In the above facts and circumstances of the case, we are unable to agree with the contentions of Shri P.S.Mehendru, learned counsel for the petitioners that there has been any wilful or contumacious disobedience of the Tribunal's order dated 18.12.2000 to justify continuance of the Contempt Petition. If the petitioners have any grievance regarding the scale of pay which has been granted to them, they may agitate the same in accordance with law.

7. In view of the above observations, CP 20/2002 is dismissed. Notices issued to the alleged contemnors are discharged. File to be consigned to the record room.

  
( M.P.Singh )  
Member (A)

  
( Smt.Lakshmi Swaminathan )  
Vice Chairman (J)