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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.P. No. 421/2001

IN

OA No. 2349/99

New Delhi: this the 7<sup>th</sup> day of November, 2001.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Lalit Dogra,  
S/o Shri S. K. Dogra,  
R/o Suite No. 24-25,  
Western Court Hostel,  
Janpath,  
New Delhi

.....Applicant.

(By Advocate: Shri B. B. Raval)

Versus

1. Shri K. Kaushal Ram,  
Secretary,  
Ministry of Urban Affairs Development,  
Govt. of India,  
Nirman Bhawan,  
New Delhi-11

2. Shri Ajit Kumar,  
Secretary,  
Ministry of Finance,  
Department of Expenditure,  
Govt. of India,  
North Block,  
New Delhi-1

3. Shri B. K. Mishra,  
Secretary,  
Union Public Service Commission,  
Dholpur House,  
Shahjehan Road,  
New Delhi-11

4. Smt. Achla Sinha,  
Director of Estates,  
Nirman Bhawan,  
New Delhi-1

.....Respondents.

(By Advocate: Shri Adish Agarwal for R-1, 2 & 4.  
Shri Devesh Singh for R-3).

ORDER

S. R. Adige, VC (A):

Hearbed both sides on C.P. No. 421/2001 alleging  
contumacious non compliance of the Tribunal's order

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dated 29.11.2000 in O.A.No.2349/99.

2. In that order dated 29.11.2000 respondents' averments were noted that on 9.9.97 applicant had submitted a representation praying for grant of pay of Rs.2500-4000 to be considered by the Fast Track Committee of the 5th Pay Commission and the same had been forwarded to the Secretary of the Committee on 19.9.97 by the answering respondents, but the Fast Track Committee had not taken any decision on the representations so far.

3. Accordingly the OA was disposed of by order dated 29.11.2000 with a direction to respondents to secure the decision of the FTC and communicate the same to applicant within 3 months from the date of receipt of a copy of the order. In any case a suitable reply was directed to be given to applicant within the aforesaid period and if any grievance still survived, liberty was given to him to agitate the same in accordance with law, if so advised.

4. Respondents have now filed their reply in which it is stated that it was not possible to reply to the representation within the prescribed 3 months period, but the delay was not wilful or deliberate but was attributable inter alia to the fact that although applicant's representation dated 9.9.97 was addressed to the FTC, there was actually no such Committee. A temporary Committee of Secretaries had been constituted on 21.7.97 to consider 6 specified issues on a fast track basis which did not include individual grievances of officers, and therefore applicant's representation had to be considered by respondents.

5. Respondents had considered applicant's and representation and passed a detailed/speaking order on 3.10.2001 (Annexure R-1) to respondents' reply.

6. Respondents themselves in their averments in the OA should have clarified the position regarding the FTC and the fact that the temporary Committee of Secretaries to consider certain specific issues on a fast track basis did not go into individual claims.

7. Having said that, it is clear that even though respondents have disposed of applicant's representation by order dated 3.10.2001 which is beyond the period prescribed in the Tribunal's order dated 29.11.2000, that by itself is not sufficient ground to initiate contempt proceedings against respondents.

8. Respondents' order dated 3.10.2001 gives applicant a fresh cause of action, which he is at liberty to avail separately in accordance with law, if so advised. Indeed this liberty has specifically been noticed in the Tribunal's order dated 29.11.2000.

9. Reiterating the same, the C.P. is dropped and notices are discharged.

A. Vedavalli

( DR. A. VEDAVALLI )  
MEMBER (J)

S. R. Adige  
( S. R. ADIGE )  
VICE CHAIRMAN (A).