

Central Administrative Tribunal, Principal Bench

C.P. No. 205 of 1999 In
Original Application No. 968 of 1994

New Delhi, this the 24th day of April, 2000

Hon'ble Mr. S.R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

Raj Kumar Sharma
S/o Shri Diwan Chand Sharma
aged 49
R/o House No. 113 Prem Nagar, Ambala City-3
and working in the office of Dy. Director General,
Doordarshan Kendra,
New Delhi-110 001.

- Applicant

(Applicant in person).

Versus

Union of India through

Dr. M.B. Pahari
Dy. Director General,
Doordarshan Kendra,
New Delhi-110 001.

- Respondents

(By Advocate: Shri R.P. Aggarwal, proxy counsel for
Shri S.M. Arif, Counsel).

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant, Shri Raj Kumar Sharma, who was an ex-employee of Armed Forces, was reemployed with the respondents-department and since he was not satisfied with the fixation of his pay, he filed an O.A. (968/94) for fixation of his pay and for counting his past services rendered in the Armed Forces. The O.A. was allowed on 4.12.1998, with the following directions:-

"8. The respondents are directed to reconsider the fixation of pay of the applicant in the re-employed civilian post and examine whether he is entitled to the benefit of Rule 15 of the Fixation of Pay of Re-employed Pensioners Rules, taking into account the facts and circumstances of his case and also in the light of the orders passed by the respondents in respect of another case, i.e. the case relating to Shri Satbir Singh (Annexure-3 to MA 3029/97) and take a decision in this

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behalf and pass a reasoned and speaking the date of receipt of a copy of this order. If the applicant is found eligible for fixation of pay granting him the advance increments as provided under the rules, such a fixation of pay may also be done within one month thereafter and necessary orders in this behalf may also be issued and arrears paid to the applicant accordingly thereafter.

(33)

2. Since the directions given by the Tribunal were alleged to have not been complied with, the applicant came up with the present application for proceedings for contempt against respondents.

3. The application is contested. The respondents tendered apology for the delay on their part in compliance with the directions given by the Tribunal. However, they submitted that the respondents have passed orders vide Office Memoranda dated 11.10.1999 and 16.11.1999 respectively and the directions given by the Tribunal have been complied with.

4. The applicant still seems to be not satisfied and, therefore, he has filed a rejoinder and submitted that the respondents are wrong in interpreting the directions given by the Tribunal. His main grievance is that the respondents have not considered the applicant's stand of being non-pensioner ex-serviceman for fixation of pay.

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5. His another plea is that the respondents have also not considered his plea that the non-pensioner ex-servicemen is permitted to count his full military service for the purposes of fixation of pay on re-employment.

(34)

The applicant has also pleaded that in a similar case of Shri Satbir Singh, the respondents had given proper fixation of pay and the Tribunal had also observed that the pay of the applicant is to be fixed in the light of the case of Satbir Singh and during the arguments, we had also asked that the record in the case of Shri Satbir Singh be also placed, as ordered by us on dated 24.1.2000.

6. We have heard the applicant in person and counsel for the respondents.

7. At the outset we may mention that the main grievance of the applicant is that his pay has not been fixed properly as he has not been given the benefit of his completed number of years of service rendered by him in the Indian Air Force. On this issue, we find that the O.M. dated 11/13.10.99 issued by the respondents shows that the applicant had been given benefit of his 11 completed years of service from 9.1.1969 to 20.3.79 in the scale of Rs.310-7-380-380-8-396 and the said O.M. is annexed as Annexure R-III. Similarly vide another Office Memorandum dated 16.11.99 Annexure R-IV, it has been reconfirmed that the applicant had already been allowed the benefit of counting of military service

for

rendered by him vide their earlier O.M. dated 2.1.1997 which is also annexed with the said Office Memorandum at page 41.

(35)

9. We had also called upon the respondents to place on record the order of Shri Satbir Singh. The respondents have placed on record the pay fixation order of Shri Satbir Singh who was also not drawing any pension but was granted 5 advance increments as per rules and on the same lines the applicant had been given the benefit of 11 years of service rendered by him in the Indian Air Force. Hence, from the perusal of these documents, we find that the directions given by the Tribunal have been fully complied with though with a little delay, for which the respondents have tendered an unconditional apology.

10. Since the directions given by the Tribunal have been complied with, so we are of the considered opinion that no action is called for and the Contemnet Proceedings are dropped. Notice issued is discharged.

No costs.

Kuldeep
(Kuldeep Singh)
Member (J)

Adige
(S.R. Adige)
Vice Chairman (A)

Rakesh