

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP NO.180/96

IN

CA No.1990/95

New Delhi this the 3rd October 1996

Hon'ble Shri K. Muthukumar, Member (A)
Hon'ble Shri T.N. Bhat, Member (J)

Dr. R.C. Gupta,
S/c late Shri Janardan Paragad,,
R/o 117, Kapil Vihar Pitmapura,
New Delhi - 110034 and employed
as Yoga Coach under the Directorate
of Education, N.C.T. of Delhi.

..... Applicant

(By Shri D.R. Gupta, Advocate)

Versus

1. Union of India,
through Secretary (Edu)
Ministry of H.R.D.,
Deptt. of Education,
Shastri Bhawan,
Dr. Rajendera Prasad Road,
New Delhi-110001

2. Director of Education,
Govt. of N.C.T. of Delhi
Old Sectt., Ali Pur Road,
New Delhi-110054

..... Respondents

(By Shri Jog Singh, Advocate)

ORDER (ORAL)

Hon'ble Shri K. Muthukumar, Member (A)

We have heard counsel for the parties. As the respondents have not complied with the directions of the Tribunal, this CP has been filed. In this C.P., the applicant has alleged non-compliance of the directions of the Tribunal in CA No.1990/95 dated 16.2.96. The following directions were given;

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"In the result, in the light of what is stated above impugned order by which the applicant stands retired from service is set aside declaring that the applicant is also entitled to continue in service till the age of 60 years in accordance with order of the respondents dated 17.11.1995. The respondents are directed to reinstate the applicant in service forthwith, at any rate within fifteen days, from the date of receipt of a copy of this order, allow him to continue in service till the age of 60 years and pay him the arrears of pay and allowances treating that he continued in service beyond 31.10.1995 within a period two months."

2. The counsel for the applicant contends that although the applicant had been reinstated in service and also allowed to continue as Yoga Coach, he has not been given the benefit of the order as contained in the respondents' letter dated 17.11.95, by which the benefits of the senior scale have been extended to the Yoga Coaches and no separate order has been passed in regard to the applicant as far as the senior scale is concerned.

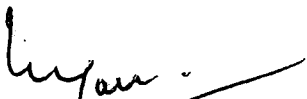
3. Learned counsel for the respondents admits ~~the~~ representation alongwith the order of the respondents dated 17.12.87 extending the benefits of this order dated 12.8.87 to the above coaches. He submits that the order points out that the applicant stood retired on 31.10.95 and this benefit was not extended to him so far. At this stage he also submits that he had opted for reversion from the post ^{to be} substantive ^{post n's} ~~he is a~~ post of Yoga Coach in the lower grade only. Ld counsel for the petitioner however contends that he was reverted to the substantive post of the Yoga Coach prior to his original date of retirement.

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In the aforesaid CA he is entitled to the arrears of pay and allowances at the higher grade. Ld counsel for the respondents submits that this is a fresh matter which has been placed before the authorities. In the aforesaid CA is concerned, the respondents have complied with the order and, therefore, there is no ~~cause~~ ^{petition} of action for this contempt. The applicant is still aggrieved in regard to the grant of promotion of selection grade in terms of the respondents' letter dated 12.8.87 subject to the condition dealt with in the respondents' the Yoga Coaches. At this stage respondents will take ^{into account of order} spirit on the basis of the representation received by the petitioner and pass separate order. We do not find any merit in the case at this stage. CP is therefore, dismissed. Notice is hereby discharged.


(T.N. BHAT)
MEMBER(J)


(K. RUTHUKUMAR)
MEMBER(A)

cc.