

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
C.P. NO. 356/2000
O.A. NO. 1160/1996

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New Delhi, this the 18th day of December 2000

Hon'ble Shri Justice V Rajagopala Reddy, VC (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

1. Praveen Kumar
S/o Sh. Lokesh Prasad,
R/o D-413, Moti Bagh-I,
New Delhi-110 021.
2. Anita Sharma,
D/o Sh. Dinesh Sharma,
R/o 191, AGCR Enclave,
I.P. Extension, Part-II,
Delhi-110 092.
3. Neelam Bhalla,
D/o Sh. V.K. Bhalla,
R/o B-27, Majlis Park,
Delhi-110 033.
4. G.S. Sodhi,
S/o Shri Ishar Singh,
R/o Qtr. No. 701, Type-Z,
Timarpur, Delhi.
5. Hardeep Kaur,
W/o S. Sarabjeet Singh,
R/o A-231-A, Mayur Vihar,
Phase-II, Delhi-110 091.
6. Naveen Kumar Sharma,
S/o Sh. I. D. Sharma,
R/o 32, B-8, Sector-3,
Rohini, Delhi-85.
7. Avijit Bose,
S/o late Sh. A. P. Bose,
DG-954, Sarojini Nagar,
New Delhi-110 023.
8. Ajay Shrivastava,
S/o Sh. M. G. Shrivastava,
R/o D-412, Moti Bagh-I,
New Delhi-110 021.
9. B. D. Joshi,
S/o Sh. D. D. Joshi,
R/o Pocket-R-255-D,
Dilshad Garden, Delhi-95.

Contd. ...2/-



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10. Kishan Lal
S/o Shri Dayal Dass,
R/o G-234, Birij Vihar,
Gaziabad (UP)

.....Petitioner
(By Shri S.K. Gupta, Advocate)

Versus

1. Shri Ajit Kumar, Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Shri V K Aatre,
Director General,
Defence Research Development,
Organisation,
Ministry of Defence, South Block,
New Delhi.

.....Respondent
(By Shri Rajendra Nischal)

O R D E R (ORAL)

Justice Shri V Rajagopala Reddy, VC(J)

Heard the counsel from both the sides. The orders passed by the Tribunal in the OAU No. 1160/1996 are as under:

"Nothing the averments made by the respondents in their reply quoted in Paragraph 3 above, namely that they have followed the recommendations of the Award upto 25.8.1995 when the Recruitment Rules-SRO 177 came into force, the prayer in paragraph 8(ii) has become infructuous. The respondents, however, shall consider such of the applicants who are eligible for being placed in the higher pay scale in the accepted proportions for subsequent years, within four months from the date of receipt of a copy of this order, if not already done. In the facts and circumstances of the case and having regard to the judgement of the Hon'ble Supreme Court in M.R. Gupta Vs UOI (1995(5) Scale 29), we make it clear that the placement of any of the applicants in the higher pay scale shall only be done notionally and they will be entitled to consequential benefits like difference of pay and allowances w.e.f. two months from the date of filing of this OA i.e. from 1st August, 1996. The claim for interest is rejected."

2. The applicant complaining that the directions have not been followed filed the CP. Learned counsel for the respondent filed the reply and stating that the directions

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have been fully complied with. The proceedings of 5th October 2000 in which the orders were passed are also placed before us. Paragraph 2 of the ^{said} proceedings are as under:

"As per the directions of the ibid judgements the case of the applicants have been considered. The category for which the arbitration award was given ceased to exist wef 26.8.95. The applicants have been placed as STA wef 26.8.95 and hence are not eligible for the award."

3. Admittedly after 1995 by virtue of SRO 177 of the Recruitment Rules no proportion was maintained, hence the question of placing the petitioner in higher scales would not arise. Learned counsel for the applicant however, contended that the respondent had followed the ratio upto 1998 and thereafter had discontinued. This contention cannot be accepted in view of the contents of paragraph 7 of the order. The only direction given was to comply the ratio after 1995. Learned counsel for the respondent says that the order is itself contradictory since there was no proportion after 1995 and hence the question of applying proportion could not arise. We are also of the view that once it is accepted by the petitioner that there was no proportion the question of giving higher pay scales after 1995 would not arise. The learned counsel seeks to argue on the merits of the OA stating that, in fact, the finding of the tribunal was not correct as ratio was not maintained after 1988. In the contempt proceedings we have limited jurisdiction. The Tribunal would not go into the merits of the , order passed by the respondents purporting to complying with the order, unless patent error was shown. However, it is open to the applicant to question the order , before in appropriate proceedings. CP Dismissed. Notice Discharged.

(Govindan S Tampi)
Member (A)

Patwal/

(V Rajagopala Reddy)
VC(J)