

CENTRAL ADMINISTRATIVE TRIBUNAL
(PRINCIPAL BENCH)

New Delhi

OA/TA No. 524 OF 2000
(MA-754/00)

Sh. Nathu Singh & ors V/S UOI & ors

PART-I PERMANENT RECORD

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Prepared by :	HS	Checked by :	AS
Signature & Date :	H. Sundaresan 11/12/12	Signature & Date :	13/12/12
Name :	H. Sundaresan	Name :	Arani Chaudhary
Designation :	LDC (Record Room)	Designation :	S.O (R)

No. 19

OA-624/2000

06.04.2000

Present: Sh. Sant Lal, counsel for applicants.

Heard.

Issue notice to respondents to file their reply within four weeks. Rejoinder, if any, within two weeks thereafter.

List before Joint Registrar on 25.05.2000 for completion of pleadings.

Learned counsel for the applicants presses for the grant of interim relief as contained in Para-9 of the O.A.

Issue notice to respondents to file a short reply regarding the applicants prayer for interim relief within 10 days.

List the case for hearing on interim relief on 24.04.2000.

Dasti.

(Dr. A. Vedavalli)
Member(J)

/vv/

*Service completed
Reply is filed*

No. 23


OA-524/2000

24.04.2000

Present: Sh. Sant Lal, counsel for applicants.
Sh. R.B. Sharma, ASP on behalf of respdts.

Proof of dasti notice has been filed. Ld.
Counsel for applicants submits that notice was served
on respondents on 10/11.04.2000 and the departmental
representative submits that they are taking steps to
engage a counsel in this case. At his request, two
weeks time is granted to file a short reply.

List the case for hearing on interim relief
on 09.05.2000.


(Dr. A. Vedavalli)
Member(J)

/vv/

Short reply - not filed
OA - not admitted
Memo of appr. - Filed by
Sh. K.R. Sachdeva, Adv. for respdts

No. 12

OA-521/2000, MA-754/2000

09.05.2000

Present: Sh. Sant Lal, counsel for applicants.
Sh. Gajender Giri, proxy for Sh. K.R.
Sachdeva, counsel for respondents.

At the request of the ld. proxy counsel appearing on behalf of respondents counsel, last opportunity is granted to file short reply within a week.

List the matter for hearing on interim relief on 17.05.2000.

(Dr. A. Vedavalli)
Member(J)

/vv/

counter filed

10.

OA 524/2000

MA 766/2000

4

Present: Sh. Sant Lal Counsel for applicant.

Sh. K.R. Sacdeva, Counsel for respondents.

~~As per order of the court dated 19.5.2000.~~ List at the end of the
Misc. matter on 19.5.2000 for interim relief.



(Dr. A. Vedavalli)

Member (J)

MK

Q

29-A.
OA 524/2000
MA 754/2000

5

19.04.2000

Present : Shri Sant Lal, counsel for applicants.
Shri K.R.Sachdeva, counsel for respondents.

Learned counsel for the respondents submits that he has not filed any short reply. However, the main reply to the O.a. has been filed on 12.5.2000. It has come on record also. The learned counsel for the applicant seeks two weeks' time to file rejoinder to the said reply. Granted.

Today the matter has been fixed for hearing the case regarding the prayer for interim relief made by the applicant. The learned counsel for the respondents submits that he has no objection if an interim order is granted as per the contents of para 9 of the O.A. In the circumstances, the respondents are restrained from making any further recovery from the pay of the applicants on account of their impugned action/order for re-fixation of the applicants' pay at the minimum of the pay scale. This order will be in operation till the next date of hearing. List the case for admission on 27.6.2000.

Copy of this order be supplied to the learned counsel for both parties.

(Dr. A. Vedavalli)
Member (J)

Rejoinder not filed

/as/

Item No 4

27.6.2000

6

OA No 524/2000

MA 754/2000

Present: Smti Sant Lal, Ld. Counsel for
Applicant

Smti K.R. Sachdeva, Ld. Counsel
for Respondent

Rejoinder is still awaited.

Dis-continue case on 20.7.2000

Interim order earlier granted
to continue till the next date of hearing.

~~A~~
(Dr. A. Vedavalli)
M(J)
Respondent not filed

Mittal

No.7


OA-524/2000, MA-754/2000

20.07.2000

Present: Sh. Sant Lal, counsel for applicants.
Sh. K.R. Sachdeva, counsel for respondents.

Pleadings in the case are complete. However, when the matter came up for admission today, Id. counsel for the applicants submitted that as per his averment in the rejoinder the subject matter of this O.A. relates to the fixation of pay of regular Group-D employees of the Post Office which falls within the jurisdiction of the Principal Bench of this Tribunal and that an identical matter (OA-1031/2000, MA-1308/2000) is pending before a D.B. and made a prayer for referring this case also to a D.B. In the circumstances, this case may be listed before an appropriate D.B. on 11.08.2000.

Interim order earlier granted to continue till the next date of hearing.


(Dr. A. Vedavalli)
Member(J)

/vv/

11-8-2000
to maintain balance
of Govt
6/10/00

Item-10

O.A. 524/2000
MA-754/2000


11.8.2000

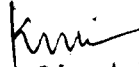
Present: Sh. Sant Lal, counsel for applicant

None for the respondents.

Pleadings in this case are complete. List on
18.9.2000 for PFH.

Interim order to continue till the next date.


(Mrs. Shanta Shastri)
Member (A)


(Kuldip Singh)
Member (J)

rks/

Item-32

G.A. 524/2000
MA 754/2000

18.9.2000

Present: Sh. Sant Lal, counsel for the applicant.
Sh. K.R. Sachdeva, Counsel for the respondents

List on 18.10.2000 at the request of both
sides. Interim order if any to continue till the next
date.

2
(S.A.T. Rizvi)
M(A)

12
(Kuldip Singh)
M(J)

GA not admitted
Pleading (c. 7.1.4)

52.
19-10-2000
OA 524/2000
MA 754/2000

Post on 24-10-2000 before Court No. II.

Interim order to continue.

(Govindan S. Tampi)
Member (Admn)

(V. Rajagopala Reddy)
Vice-Chairman (J)

/vikas/

11

11

84-10-2000

OA-594/2000

MA-754/2000

Present :- Sri. Sant Lal, counsel for applicants
& UDC, R. B. Sharma, Deptt. Deptt.

Counsel for applicants seeks three weeks
to file rejoinder. List on 97.11.2000.

I.R., if any, to continue

2

(S. A. Rizvi)
MA

/s/ (Kuldip Singh)
m(2)

1/1/01

27/11/2000
17.


OA. 524/2000
MA. 754/2000


027
(12)

From: - Shri Sant Lal, and R
applicant.
Name of respondent.

Dist on 04/12/2000.

Interim order to continue till
next date.


(M.P. Singh)
M(A)


(Kuldip Singh)
M(J)

as per

04/12/2000

10.

GA. 524/2000

MA. 754/2000

Preamble:- Shri K.R. Sachdeva, comf
for respondents.

Learned counsel for the respondents seeks
two weeks' time to seek instructions from
the department.

Adjourned to 08/1/2001.

Later Shri Sachdeva agreed and submits
that no further adjournment should be
given in this case at any cost as sufficient
time has already been given.

No ^{further} adjournment will be given in this
case.

mfr
(M.P. Singh)
M(A)

(Kuldip Singh)
M(J)

dmr

Noted - 14/12
as no DB in ct II (a)

5/11

8-1-2001

OA = 524/2000

14

Present: Shri Sant Lal, learned Counsel
for the applicant.

Shri K. R. Sachdeva, learned Counsel
for the respondents.

Both Counsel heard.

Reserved for orders.

Shri Sant Lal, learned Counsel

Undertakes to give copy of the order passed
by the respondents and directing payment
of minimum wages for casual labourers
to be fixed at the minimum of the
pay scale of Group 'D' employee by
9-1-2001.

(Gowindan S. Tampi) (Smt. Lakshmi Swaminathan)
Member (A) Vice Chairman (D)

OA 524/00

16/01/2001

OA ~~submitted~~ placed before the
Full Bench by a Bench of Honble
Smt. L. Swaminathan, VC(D) and Honble
Sh. G. S. Tampi, M(A)

Order attached

BO
for
CE

Central Administrative Tribunal
Principal Bench

O.A. 524/2000

New Delhi this the 16th day of January, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).
Hon'ble Shri Govindan S. Tampi, Member(A).

15

1. Shri Nathu Singh son of
Shri Harkesh Singh,
2. Shri Akhlesh Mani son of
Shri Surender Mani,
3. Shri Rajinder Singh son of
Shri Om Prakash,
4. Shri Naresh Pal son of
Shri Karam Singh,
5. Shri Pradeep Kumar son of
Shri Prakash

... Applicants.

(All employed in Group 'D' cadre
in Delhi GPO, Delhi-110006)

(By Advocate Shri Sant Lal)

Versus

1. The Union of India, through
the Secretary,
Ministry of Communication,
Department of Posts, Dak Bhawan,
New Delhi-110001.
2. The Chief Postmaster General,
Delhi Circle, Meghdoot Bhawan,
New Delhi-110001.
3. The Chief Postmaster, Delhi
GPO, Kashmiri Gate,
Delhi-110006.
4. The Secretary,
Ministry of Personnel, P.G.&
Pension, (Department of Personnel
and Training), Govt. of India,
North Block,
New Delhi-110001.

... Respondents.

(By Advocate Shri K.R. Sachdeva)

O R D E R

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

The applicants, five in number, are aggrieved by the
action taken by the respondents in reducing their pay and

ordering recoveries at the rate of Rs.500/- per month w.e.f. September, 1999, which they state has been done by a verbal order.

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2. The brief relevant facts of the case are that the applicants, who were initially employed as daily rated casual labourers, had been granted temporary status w.e.f. 29.11.1989 in accordance with the Scheme published by the respondents dated 12.4.1991 (hereinafter referred to as 'the Scheme') entitled "Temporary Status to Casual Labour (Postal)" (Annexure A-1). They have also referred to another order issued by the respondents dated 30.11.1992 (Annexure A-2) whereby it was clarified that the casual labourers who had been granted temporary status and who had completed three years of service in that status would have their service counted for pension and terminal benefits. Shri Sant Lal, learned counsel has submitted that in terms of Paragraph 3 of the Scheme, the benefits of the increments as applicable to Group 'D' employees were granted to the applicants for a number of years. He has relied on the orders of the Tribunal in K. Rajaiah & Anr. Vs. Union of India & Ors. (O.A 1051/98 - Hyderabad Bench), decided on 10.2.2000 (Annexure A-9), which has been followed by the Principal Bench vide order dated 29.11.2000 in All India RMS & MMS Employees Union & Ors. Vs. Union of India & Ors. (OA 1031/2000) in which one of us (Shri Govindan S. Tampi, Member(A) was a Member). He has submitted that applicants 1 and 2 have been appointed in Group 'D' cadre on regular basis w.e.f. 30.8.1993 and applicants 3-5 have been regularised in the same post w.e.f. 11.7.1996 in the pay scale of Rs.750-940 (pre-revised). Earlier, the respondents had fixed the pay of the applicants in the regular pay-scale of Group 'D' after taking into

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account the rates of wages being drawn by them, including the benefit of the annual increments from the date of completion of one year service with temporary status, that is, from 1.10.1990 in accordance with the Scheme. They had also been given further increments after their regular appointment in Group 'D' posts after one year. However, by the impugned orders, the respondents, relying on the DOP&T O.M. dated 29.1.1998 have sought to give the applicants the pay on regular appointment in Group 'D' post at the minimum of the pay-scale by excluding the increments earned by them as casual labourers with temporary status. Learned counsel has submitted that this is arbitrary action on the part of the respondents, as held by the Tribunal in the aforesaid two orders, as it has put the applicants at a disadvantageous position. He has, therefore, prayed that the impugned action/orders may be quashed and set aside and the respondents be directed to restore the pay of the applicants, as earlier fixed by them on their regular appointment in Group 'D' cadre with reference to their wages/pay they were getting, including the benefit of increments drawn by them. He has also submitted that the applicants had submitted their representations to the respondents against the reduction of their pay and the illegal recoveries from their monthly salary but no reply has been given. (17)

3. The Tribunal by interim order dated 19.5.2000 had restrained the respondents from making any further recoveries from the pay of the applicants on account of their impugned action/order for refixation of the applicants pay at the minimum of the pay-scale of Group 'D' employees.

4. We have seen the reply filed by the respondents and heard Shri K.R. Sachdeva, learned counsel. He has submitted that regarding the annual increments given to the applicants as temporary status casual Mazdoors in terms of Para 3 of the Scheme, the benefit is given at the same rate as applicable to Group 'D' employees for calculating per month rate wages. Learned counsel has submitted that words "rate wages" should be distinguished from the word "pay" which is applicable only to those persons who hold a post under the Government, including a Group 'D' employee who has been duly appointed in that post and who earns increments in terms of the pay-scale attached to that post. He has submitted that the applicants who had been granted temporary status had not been given the same pay-scale of a Group 'D' employee but only increments calculated per month as rate wages. He has further submitted that the increments are due, subject to performance of duty for at least 240 or 206 days as applicable to the particular establishment and not at the end of completion of one year which applies to the person holding a particular post. He has referred to the provisions under Fundamental Rules (FRs) 9(21)(a), 22, 24 and 26(a) which refer to the procedure and method for fixation of pay in the pay-scale of a particular post, which in this case would be applicable to the fixation of pay of the applicants when they were regularly appointed in Group 'D' posts. He has submitted that the applicants when appointed to a Group 'D' post can only be fixed in the pay scale of the post in terms of the FRs which are applicable to all Government servants and not otherwise. Learned counsel has submitted that this can only be done at the minimum of the pay scale of the relevant post, as reproduced in Govt. of India's Instruction No.21 under FR 22 and cannot take into account the increments

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✓

given to the applicants calculated on the basis of their wages which might be at par with the pay of Group 'D' employees. He has further relied on the DOP&T O.M. dated 29.1.1998 which gives the reasons for fixation of pay of a casual labourer regularised in a Group 'D' post. Earlier, temporary status has been granted to the casual labourer without reference to the availability of a regular Group 'D' post and despite such conferment of the status, they continue to draw the wages only on actual basis and not pay in the pay scale. He has submitted that these reasons could not be adequately put forward before the Tribunal (Hyderabad Bench) in K.Rajaiah's case (supra) wherein it has been noted that the reply on behalf of the Ministry of Personnel, Public Grievances and Pensions - Respondent 2 was absent, which led them to believe that they had no reasons to issue the impugned letter dated 29.1.1998. He has submitted that this is not so because the reasons have been given in the letter itself which he has now high-lighted, wherein it is necessary to draw a distinction between the rate of wages and pay. The latter term has also been defined in the FRs. Learned counsel has, therefore, submitted that the applicants cannot have a right for inclusion of the increments which has been taken into account for calculating per month rate wages in terms of paragraph 3 of the Scheme as this would be contrary to the FRs. In the facts and circumstances of the case, he has submitted that the law laid down under the FRs has to be kept in view while deciding the question of fixation of pay of a person who is appointed to a post. As this has not been done in the Tribunal's order dated 29.11.2000 in OA 1031/2000 (supra) which has followed the earlier order dated 10.2.2000

jsv ✓

passed by the Hyderabad Bench in K. Rajaiah's case (supra), he has prayed that this case may be placed before a larger Bench for a proper decision in the matter. (20)

5. Learned counsel for the respondents has agreed that in terms of the Scheme as modified by the order dated 30.11.1992, the service rendered by the applicants who had been granted temporary status will count for all purposes of pension and terminal benefits. According to him, they have not suffered any monetary loss as they will not be entitled to anything more what other persons similarly situated will get when they are appointed to a post under the Central Government and governed by the relevant rules, including the FRs. He has submitted that in the facts and circumstances of the case, recoveries were ordered from the applicants' pay as they had incorrectly fixed their pay which has, however, been stopped after the Tribunal's interim order dated 19.5.2000.

6. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

7. Paragraph 3 of the Scheme dated 12.4.1991 reads as follows:

"3. Benefit of increment at the same rate as applicable to Group 'D' employee would be taken into account for calculating per month rate wages, after completion of one year of service from the date of conferment of Temporary Status. Such increment will be taken into account after every one year of service subject to performance of duty for at least 240 days (206 days in establishment observing five days week) in the year",

From the above, it is seen that the benefit of increments has been given to casual labourers with temporary status after completion of one year of their service in that

capacity at the same rate as applicable to Group 'D' employee which is based on the calculation of per month rate wages. FR 9(21) (a) refers to "pay" which means the amount being drawn monthly by a Government servant. FR 22(I) refers to the initial pay of a Government servant who is appointed to a post on a time scale of pay and the sub-sections on the subject deal with the manner of regulation of pay. FR 24 refers to the increments to be ordinarily drawn by a Government servant unless it is withheld by the competent authority. FR 26 prescribes the conditions on which service counts for increments in a time scale and also refers to all duty in a post on a time scale for this purpose.

8. Taking into account the facts and above law which are applicable to all Government servants who are appointed to a post, we find force in the submissions made by Shri K.R. Sachdeva, learned counsel, that a distinction has been drawn between wages and pay and increments calculated on the basis of per month rate wages for a casual labourer with temporary status. On the other hand, the increments admissible to a Government employee holding a post is given in the time scale attached to a particular post. The DOP&T in its letter dated 29.1.1998 has stated that the conferment of temporary status to the casual labourers is without reference to the availability of a regular Group 'D' post and despite conferment of that status, ~~they~~ they continue to draw wages on actual basis. This, therefore, shows that such persons who have been granted temporary status only are not holding a post to which a time scale is attached, but are entitled to draw only wages on actual basis. Apart from that, it is also noticed that the increments allowed for such employees as per paragraph 3 of the Scheme are based on the

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year of service, subject to performance of duty for at least 240 days or 206 days, as the case may be, in a year. This also shows that the increments earned by the casual labourers with temporary status are related to their wages which are paid on actual basis and not based on a time scale attached to a post. Any person who is appointed to a post under the Central Government has to have his pay fixed under the FRs referred to above. In this view of the matter, the contention of the respondents that in terms of the DOP&T letter dated 29.1.1998 they had refixed the pay of the applicants at the minimum of the pay scale of the Group 'D' post to which they were appointed cannot be faulted, as it is in accordance with the relevant Rules and DOP&T O.M. dated 29.1.1998. We, therefore, find no merit in this application.

9. One other relevant point to be mentioned is that applicants 1 and 2 have been appointed in Group 'D' cadre w.e.f. 30.8.1993 vide Memo dated 18.9.1997 and confirmed in that cadre w.e.f. 30.8.1995. Applicants 3-5 have been regularised in Group 'D' cadre w.e.f. 11.7.1996 and confirmed in that grade w.e.f. 11.7.1998 vide Memo dated 17.7.1999. Admittedly, the respondents have taken action for refixation of applicants' pay in the Group 'D' posts in the time scale of Rs.750-940 (pre-revised) much later and had effected recoveries from their pay from September, 1999 at Rs.500/- per month. Why the respondents took such belated action in revision of the pay earlier erroneously granted to the applicants has not been satisfactorily explained. This O.A. has been filed on 4.4.2000 and from 19.5.2000 no further recoveries have been effected by them in pursuance of the

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Tribunal's interim order. In the facts and circumstances of the case, that interim order is made absolute till further orders.

10. In view of what has been stated above, as we respectfully disagree with the views expressed in the Tribunal's orders dated 10.2.2000 in O.A.1051/1998 and 29.11.2000 in O.A.1031/2000 (supra), the issues raised in this O.A. may be placed before the Hon'ble Chairman for constituting a Larger Bench. The following questions may be placed before the Full Bench.

- (1) Whether the action of the respondents in re-fixing the pay of the applicants at the minimum stage of the pay scale attached to the post of Group 'D' on their regularisation in those posts is in accordance with law and rules or not;
- (2) Whether the increments earned by the applicants as temporary status casual Mazdoors have to be included while fixing their pay on their regularisation as Group 'D' employees; and
- (3) Whether in the facts and circumstances of the present case, including the fact that the applicants are Group 'D' employees and because of the belated action of the respondents, the over-payments made to them should be waived and responsibility fixed on the concerned officials for wrong actions.

(Govindan S. Tampi)
Member (A)

'SRD'

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

1.

8-7-02

CP 259/02

OA 524/00

47

Present:- Sh. Sant Lal, Id. Counsel
for the applicants.

As one of us [Sh. Govindan S. Tamby, M.A.]
has a personal difficulty in dealing
with this case, list before any other
appropriate Bench today.

(Govindan S. Tamby)

(Smt. Lakshmi Swaminathan)
VC (J)

List in case IV
today as per the order
passed by VC and S. S. Tamby (M)

8.7.02

Supp.

1.

8.7.2002

CP-259/2002 In
OA-524/2000

Present: Shri Sant Lal, learned counsel of applicants

In pursuance of orders passed on 11.9.2001 by Full Bench in OA-524/2000, this Tribunal disposed of OA-524/2000 vide its orders of 12.11.2001 with the following directions:-

"In view of the above, the OA is disposed of with directions to the respondents to consider the claims of the applicants in the light of the decision of the Full Bench in OA-524/2000 in order dated 11.9.2001. This shall be done within two months from the date of a receipt of a copy of this order. No order as to costs".

Learned counsel stated that applicant filed representations to the respondents on 21.12.2001 and 11.3.2002 (Annexure P-3 & P-4 respectively) seeking implementation of court's orders of 12.11.2001. However, the respondents have yet not implemented the directions made by this court, we direct notices to be issued to respondents 1 & 2 in terms of provisions of contempt of Courts Act, 1971 returnable on 14.8.2002.

Shri Sant Lal, learned counsel brought to our notice that respondent No.2 is under orders of transfer. He seeks and is allowed permission to make the correction in the name of respondent No.2 in the meantime before the notices ^{are} issued.

(Shanker Raju)
Member (J)

(V.K. Majotra)
Member (A)

2

14-8-2002

CP- 259/2002 in

OA - 524/2000


(49)

Present: Shri Sant Lal, learned counsel
for applicant


Shri R. P. Aggarwal, learned
counsel for respondents.

Shri R. P. Aggarwal, submits
that respondents have filed a writ
petition before the High Court and the
High Court has stayed the order passed
by this Court. Learned counsel for
respondents seeks two weeks time
to file a copy of stay order.

List on 4-9-2002.


(Kuldeep Singh)

M (J)
reply to P not filed
stay order not filed


(V.K. Majotra)
M (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No. 259 of 2002
IN
O.A.No. 524 of 2000

New Delhi, this the 4th day of Sept., 2002

HON'BLE SHRI M.P. SINGH, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Shri Nathu Singh son of Shri Harkesh Singh;
2. Shri Akhlesh Mani son of Shri Surender Mani;
3. Shri Rajinder Singh son of Shri Om Prakash;
4. Shri Naresh Pal son of Shri Karam Singh;
5. Shri Pradeep Kumar son of Shri Shri Prakash.

These applicants/petitioners are employed in Group 'D' cadre in Delhi G.P.O., their address for service of notices is C/o Sh. Sant Lal Advocate, C-21 (B) New Multan Nagar, Delhi-110056.Petitioners

(By Advocate : Shri Sant Lal)

VERSUS

1. Shri S.C. Dutta, Secretary, Ministry of Communications, Dept. of Posts, Dak Bhawan, New Delhi-110001.
2. Shri Harinder Singh, Chief Postmaster General, Delhi Circle, Meghdoot Bhawan, New Delhi-110001.
3. Shri M.S. Yadav, Chief Postmaster, Delhi G.P.O., Kashmeri Gate, Delhi-110006.
4. Shri A.K. Aggarwal, Secretary, Ministry of Personnel, P.G. & Pension, (D.O.P. & Trg.), Govt. of India, North Block, New Delhi-110001.Respondents

(By Advocate : Shri R.P. Aggarwal)

ORDER (ORAL)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Learned counsel for the respondents has stated that the order dated 11.9.2001 passed in OA No.524/2000 has been stayed by the Hon'ble High Court of Delhi vide order dated 12.4.2002 in CW 2317 of 2002.

2. Shri Sant Lal, learned counsel for the petitioners objects that before filing of the aforesaid CWP, no notice has been served upon the respondents therein, i.e., petitioners.

3. However, in view of aforesaid order passed by the Hon'ble High Court by making Rule D.B., the aforesaid order of the Tribunal has been stayed. It will be a futile exercise to go ahead with the present C.P.

(2)

4. In view of the matter, the present CP is disposed of with liberty to the petitioners to revive the present CP, if so advised, after the final outcome of the aforesaid CWP. Notices issued to the alleged contemnors are discharged.

S. Raju
(SHANKER RAJU)
MEMBER (J)

M.P. SINGH
MEMBER (A)

/ravi/

51

17

06-06-2006

(52)

MA-1019/2006

CP-259/2002

OA-524/2000

Present: Smt Sant Lal, ed. Counsel for applicant

Heard.

Issue notice on MA-1019/2006
to the respondents, returnable in four
weeks.

List on 18-07-2006.



(Mrs. Mura Chibber)

M(J)

lb

(V.K. Majotra)

VC (A)

Notice issued in MA.

Sp/compiled

Reply to CP not filed

20.

18.07.2006

MA-1019/2006
CP-259/2002
OA-524/2000

Present: Shri Sant Lal, learned counsel for applicant
Ms. Lata Gangwani, learned proxy counsel for Shri H.K. Gangwani,
Counsel for respondents

Applicant has filed MA-1019/2006 seeking revival of CP-259/2002 on the ground that CP was disposed of on 4.9.2002 in view of the stay granted by the Hon'ble High Court in Writ Petition No.2317/2002 but now by judgment dated 17.4.2006, aforesaid Writ Petition has been dismissed.

Counsel for respondents seeks time to file reply but we do not think any reply can be filed in these circumstances. *B*

MA-1019/2006 is allowed. CP-259/2002 is revived.

Respondents are given two weeks' time to file compliance affidavit.

List on 07.08.2006. Registry is directed to show the name of Shri H.K. Gangwani as counsel for respondents. *Issue Date B*

B
(Mrs. Meera Chhibber)
Member (J)

V.K. Majotra
(V.K. Majotra)
Vice Chairman (A)

cc.

Reply to CP no. 259/02

07.08.2006.

54

7.

CP 259/2002
OA 524/2000

Present: Sh. Sant Lal, counsel for the applicant.
Sh. H.K. Gangwani, counsel for the respondents.

Counsel for the respondents has stated that respondents are making efforts for implementing the order of this Tribunal and, therefore, has requested for renotifying the matter after three weeks. List on 28.08.2006.

(V.K. Agnihotri)
Member (A)

/lg/

(M.A. Khan)
Vice Chairman (J)

Reply to CP not filed

6.

28.08.2006

CP-259/2002
OA-524/2000

Present: Shri Surinder Singh, learned proxy counsel for Shri Sant Lal,
For applicant
Shri H.K. Gangwani, learned counsel for respondents

A

Learned counsel of respondents stated that respondents have complied with directions of this Court vide order dated 14.08.2006 and that he would file the compliance affidavit before 31.08.2006.

List on 31.08.2006.


(Mukesh Kumar Gupta)
Member (J)


(V.K. Majotra)
Vice Chairman (A)

cc.

Compliance Report filed

941

31.8.06

CP 259/02

AT 524/00

(56)

Present: Shri R. P. Sharma ~~Country~~ for the sent to
counsel for Applicant

Shri H. K. Gangwani counsel for respondent

Held: CP dropped by the Bench comprising
of Hon'ble ve CA) and Hon'ble Shri M. K. Gupta
MC) order on supersedeas sheet.

B-O

per CT

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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. No.259/2002 In
O.A. No.524/2000

New Delhi this the 31st day of August, 2006

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Mukesh Kumar Gupta, Member (J)

1. Shri Nathu Singh son of Shri Harkesh Singh
2. Shri Akhlesh Mani son of Shri Surender Mani
3. Shri Rajinder Singh son of Shri Om Prakash
4. Shri Naresh Pal son of Shri Karam Singh
5. Shri Pradeep Kumar son of Shri Shriprakash

-Applicants

(These applicants are employed in Group 'D' cadre
in Delhi G.P.O)

(By Advocate: Shri R.P. Sharma, for
Shri Sant Lal)

Versus

1. Shri S.C. Dutta, Secretary,
Ministry of Communications,
Dept. of Posts, Dak Bhawan,
New Delhi-110001.
2. Shri Harinder Singh,
Chief Postmaster General,
Delhi Circle, Meghdoot Bhawan,
New Delhi-110001.
3. Shri M.S. Yadav, Chief Postmaster,
Delhi G.P.O., Kashmeri Gate,
Delhi-110006.
4. Shri A.K. Aggarwal,
Secretary, Ministry of Personnel,
P.G. & Pension, (DOP & Trg.),
Govt. of India, North Block,
New Delhi-110001.

-Respondents

(By Advocate: Shri H.K. Gangwani)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

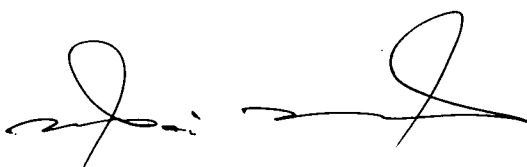
OA-524/2000 was disposed of vide order dated 12.11.2001 with the
following directions to the respondents:-



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"In view of the above, the OA is disposed of with directions to the respondents to consider the claims of the applicants in the light of the decision of the Full Bench in OA-524/2000 in order dated 11.9.2001. This shall be done within two months from the date of a receipt of a copy of this order. No order as to costs".

2. Learned counsel of respondents has filed compliance affidavit enclosing details of payments made to the applicants in Bill No.SB-102/Aug.06 in the Court.
3. In this backdrop, present proceedings are dropped and notice to Respondent No.2 is discharged, however, with liberty to the applicants that in case they are still aggrieved, they can resort to appropriate proceedings as per law.



(Mukesh Kumar Gupta)
Member (J)



(V.K. Majotra)
Vice Chairman (A)
31.8.06

cc.