

Central Administrative Tribunal
Principal Bench

CP No.33 of 2002

IN

O.A. No. 801 of 2000

New Delhi, dated this the 9th April, 2002

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HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

1. Shri Hukam Chand Garg
S/O. Shri Poona Lal Garg.
2. Shri Om Prakash Sharma,
S/O. Shri Banwari Lal Sharma.
3. Kajori Lal Meena,
S/O. Shri Pancha Ram Meena.
4. Shri Vijay Pal Singh Yadav
S/O. Shri Khacheru Singh Yadav.Petitioners
(By Advocate : Shri Sant Lal)

VERSUS

1. Shri B.N. Som,
Secretary, Dept. of Posts,
Dak Bhawan, New Delhi-1
2. Shri Harinder Singh,
Chief Postmaster General,
Delhi Circle, Meghdoot Bhawan,
New Delhi-1
3. Shri C.S.Rao, Secretary,
M.O. Finance,
Department of Expenditure,
North Block,
New Delhi-110001.
(By Advocate: Sh. R.P. Aggarwal) ... RESPONDENTS

ORDER

S.R. ADIGE, VC (A)

Heard both sides on CP 33/2002 alleging
contumacious non-compliance of the Tribunal's oral
order dated 30.7.2001 in OA 801/2000.

2. In that OA applicant who was Assistant
Manager in Mail Motor Service in the pay scale of
Rs.5000-8000 had claimed the pay scale of
Rs.6500-10500 w.e.f 1.1.1996 on the ground that

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person in the feeder grade of Inspector in Mail Motor Service were in the higher scale of Rs.5500-9000 w.e.f. 1.1.96.

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3. After noticing that respondents were themselves aware of the anomaly and its removal had been under their consideration since 4.1.99, OA was disposed of by order dated 30.7.2001 with a direction to take a final decision in the matter within four months from the date of receipt of a copy of the order.

4. Pursuant to the aforesaid order dated 30.7.2001 respondents have issued order dated 16.10.2001 (Annexure R-2) placing Assistant Manager in Mail Motor Service in the upgraded pay scale of Rs. 5500-9000 w.e.f. 1.1.96 vide OM dated 10.9.2001 (Annexure P-2).

5. Aggrieved by the aforesaid order dated 16.10.2001, this CP has been filed in which the main argument advanced by applicant's counsel Shri Sant Lal is that letter dated 10.7.2001 of respondent no.3 addressed to respondent no.1 conveying approval to him of revision in the pay scales of Assistant Managers MMS from 5000-8000 to Rs.5500-9000, and referred to in respondents' order dated 16.10.2001, was deliberately suppressed by respondents when the matter came up for hearing on 30.7.2001, and had it been brought to the Tribunal notice, that day, the Tribunal's order dated 30.7.2001 would have been different.

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6. While no doubt respondents should have brought the aforesaid communication dated 10.7.2001 to the Tribunal's notice when it heard the matter on 30.7.2001, that by itself is not sufficient reason to initiate contempt proceedings against respondents. (21)

7. If applicants are aggrieved by the fixation of their pay at Rs.5500-9000 w.e.f. 1.1.96 it is open to them to challenge the same separately through appropriate original proceedings in accordance with law, if so advised.

8. Giving leave to applicants as aforesaid the CP is dropped. Notices are discharged.

S. Raju
(Shanker Raju)
Member (J)

/ug/

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