

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CP-63/2004
OA-1431/2000
MA-921/2004
MA-1317/2004

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New Delhi this the 1st day of July, 2004.

Hon'ble Shri V.K. Majotra, Vice-Chairman(A)
Hon'ble Shri Shanker Raju, Member(J)

Sh. Yag Datt Sehgal, IAS(Retd)
S/o Sh. Asa Nand Sehgal,
R/o A 14/2 Vasant Vihar,
New Delhi-57.

.... Petitioner

(Petitioner in person)

versus

1. Sh. Arun Bhatnagar, IAS,
Secretary to Govt. of India,
Deptt. of Personnel & Training,
Min. of Personnel, Public Grievance
& Pension, Central Secretariat,
North Block, New Delhi.
2. Sh. V.K. Dewan, IAS,
Chief Secretary,
Govt. of Uttar Pradesh,
Sachivalaya, Lucknow-226001.
3. Sh. Pradeep Shukla, IAS,
Secretary to Govt. of
Uttar Pradesh, Appointment
Deptt., Sachivlaya,
Lucknow-226001.

.... Respondents

(through Sh. KCD Gangwani, Advocate for R-1 and Sh.R.P.
Mehrotra with Garvesh Kabra, Advocate for Reespondents
No.2 & 3 withh Sh. Pradeep Shukla,
Secretary(Appointment), Govt. of UP)

ORDER (ORAL)

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

Heard.

2. Learned counsel for respondents No.2 &
3 has filed a copy of Govt. of I.P. O.M. dated
14.06.2004 and A.G.(A&E)-II, UP & Uttaranchal,
Allahabad dated 28.6.2004 in compliance of Tribunal's

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directions contained in order dated 11.3.2002 whereby OA-1431/2002 was disposed of.

3. Learned counsel pointed out that by O.M. dated 21.8.1998, applicant's notional pay in JAG scale of Rs.3950-5000/- on 1.1.1986 has been fixed at the stage of Rs.4575/- and that vide order dated 28.6.2004 AG (A&E)-II, UP & Uttaranchal, Allahabad has also revised the authority pension, DCRG and family pension in favour of the applicant herein.

4. Applicant who is present in person pointed out that the orders filed on behalf of respondents No. 2 & 3 have been made subject to the outcome of Civil Writ Petition No.5548/2002 as well as orders, if any, issued by Government of India. He stated that these restrictions should not have been imposed and are in violation of the directions of this Court.

5. On the other hand Shri KCD Gangwani appearing on behalf of respondent No.1 stated that Government of India had given clearance for implementation of Tribunal's directions to the State Government. Learned counsel for respondents No. 2 & 3 stated that vide order dated 25.6.2004, Govt. of India had conveyed to the State Government its decision to implement Tribunal's orders of 11.3.2002. Copy of this order be placed on record and also be supplied to the applicant by learned counsel of respondents No. 2 & 3.

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6. Applicant stated that imposition of the conditions in these orders can create problems while according future pension whenever pay scales and pension are revised on the recommendation of future Pay Commissions.

7. Learned counsel Shri Mehrotra referred to Govt. of U.P. O.M. dated 14.6.2004 and A.G., U.P. & Uttaranchal Order dated 28.6.2004 issued with reference to Tribunal's directions. He stated that conditions stated in these communications are not in defiance of Court orders.

8. We have considered the rival contentions. In our considered view while imposition of the condition relating to the outcome of the Writ Petition seeking recall of dismissal orders of the Civil Writ Petition filed on behalf of the State Government, is innocuous, the condition of subjecting the aforesaid orders passed by the State Government and AG (A&E)-II, UP & Uttaranchal, Allahabad to Govt. of India orders, if any, is not in accordance with the spirit of our orders. It should not have been imposed. As such the condition "and is also subject to the order (if any) issued by Government of India", is directed to be deleted immediately by respondents No. 2 & 3.

9. Otherwise, the directions of this Tribunal, have been substantially complied with. If

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applicant's benefits have any adverse consequences in future, he shall have liberty for a separate cause of action as per law.

10. In result, this C.P. is dropped with the above observations and notices to the respondents are discharged.

S. Raju
(Shanker Raju)
Member(J)

V.K. Majotra
(V.K. Majotra) 1.7.04
Vice-Chairman(A)

/vv/