

Central Administrative Tribunal  
Principal Bench: New Delhi

C.P. No. 87/2001 II  
O.A. No. 2380/2000

New Delhi this the 24th day of May, 2001

Hon'ble Mr. V.K. Majotra, Member (A)  
Hon'ble Mr. Shanker Raju, Member ((J)

Shri B.L. Kaushal,  
S/o Lt. Shri Ram Gopal,  
R/o Z-1/2, Model Town,  
Delhi-110009.

-Petitioner

(By Advocate: Shri M.K. Gupta)

Versus

1. Shri P.S. Bhatnagar,  
Chief Secretary,  
5, Sham Nath Marg,  
Delhi-110054
2. Shri N. Diwakar,  
Registrar of Co-operative Societies,  
Govt. of NCT of Delhi,  
Parliament Street,  
New Delhi-110001.
3. Shri C.M. Sharma,  
Controller of Accounts,  
Govt. of NCT of Delhi,  
Morai Gate,  
Delhi-110006.

-Respondents

(By Advocate: Ms. Jasmine Ahmed)

ORDER (Oral)

By Hon'ble Mr. V.K. Majotra, Member (A)

Heard the learned counsel of both sides.

2. Shri M.K. Gupta, learned counsel of the applicant stated that whereas basically the directions contained in order dated 12.1.2001 in OA-2380/2000 have been complied with, though belatedly by the respondents they have vide Annexure-H of the counter reply dated 9.3.2001 refixed the pay of the applicant in the revised pay scale of Rs. 6500-10500 w.e.f. 1.1.96 at Rs. 7900/-

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with DNI as 1.1.97. According to the learned counsel the DNI should have been 1.7.96 instead of 1.1.97. Re-fixing the pay of the applicant as also the DNI through Annexure-H has been according to the learned counsel against the spirit of the Tribunal's order. The learned counsel of the respondents stated that as per the directions of the Tribunal, the respondents were to release the entire terminal benefits to the applicant finally and not provisionally within a period of one month from the communication of that order, treating his date of birth as 31.8.1940 and date of retirement as 31.8.2000. According to her, previously the respondents had fixed applicant's DNI w.e.f. July 1996 erroneously which they have rectified through Annexure-H.

3. Shri C.M. Sharma, Controller of Accounts, Respondent No.3 had been directed vide order dated 9.5.2001 to remain present in the court on 24.5.2001. He has come present. A supplementary counter affidavit has been filed by him on 22.5.2001 explaining the circumstances of delay in implementing the directions of this Court. He has also expressed deep regret and sincere un-conditional un-qualified apology for the delay stating that it has neither been intentional nor wilful. We are satisfied by the un-conditional and un-qualified apology tendered by respondent No.3.

4. On considering the averments made by the learned counsel of both sides, we are of the view that in the present Contempt proceedings, we cannot look into the grievance of the applicant relating to downward

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re-fixation of his pay w.e.f. 1.1.96 through Annexure-H.

If he is aggrieved on that account, he will have to seek redressal <sup>through b</sup> to a fresh application under the provisions of law. This contempt petition is dismissed and notices against the respondents are discharged.

*S Raju*

(Shanker Raju)  
Member (J)

*V.K. Majotra*

(V.K. Majotra)  
Member (A)

cc.