

Central Administrative Tribunal  
Principal Bench: New Delhi

CP No.233/94 in  
OA No.1317/87

New Delhi this the 23rd April 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr R.K.Ahooja, Member (A)

1. Suresh Chand Tyagi  
S/o of Sh. Pritam Singh Tyagi  
R/o Q-2/3 Police Station, Kingsway Camp  
Delhi-110 009.

2. G.L.Sharma  
R/o X-253, Brahampuri  
Delhi - 53.

...Petitioners

(By Advocate: Shri G.D.Gupta)

Versus

1. Sh.P.P.Chauhan  
Chief Secretary to the  
Govt. of NCT of Delhi  
5, Sham Nath Marg  
Delhi-54.

2. Sh. P.S.Bhatnagar  
Secretary (Finance)  
Govt. of NCT of Delhi  
5, Sham Nath Marg  
Delhi.

....Respondents.

(By Advocaes: Sh,.S.M.Rampal)

O R D E R (Oral)

Shri A.V.Haridasan, Vice Chairman (J)

OA No. 1317/87 was decided on 17.7.92. It was disposed with the following directions:

In the light of the foregoing discussion, we allow th application. We strike down the provisions in the Delhi Administration Accounts Service Rules, 1982 and the notification dated 4.9.90 whereby the two duty posts of SAS Accounts/Junior Accounts Officers Grade-II in the Office of the Commissioner of Police, Delhi, mentioned at Sl.No.12 in the schedule to the said rules have been excluded from the service. The effect of striking down the provisions of the said rules is that the applicants should be deemed to belong to the Delhi Administration Accounts Service and that they would be entitled to all the benefits of the members of the said service."

2. Pursuant to the above directions, the petitioners were treated as belonging to the Delhi Administration Accounts Service and they were considered and promoted as Assistant Accounts Officers and Accounts Officers. Even after that, the petitioners filed this CP alleging that by not paying them the arrears of pay and allowances making their promotions only notional, the respondents committed a contempt.

3. The respondents in their reply have stated that the petitioners were promoted w.e.f. the relevant dates and arrears of pay and allowances were not not paid to them as legal advice were to be obtained from the Department of Law, Govt., of India. <sup>and</sup> It was decided that the petitioners were not entitled to the arrears of pay and allowances. They contend that the respondents have no intentions to violate the directions contained in the judgement and have truthfully and respectfully carried out the directions.

4. We have heard the learned counsel on either side and have perused the pleadings in this case. We are of the considered view that the action of the respondents does not disclose any intentions to flout the orders of the Tribunal. If the petitioners had any subsisting grievance in regard to the arrears of pay and allowances, it is upto them to seek appropriate relief in a proceeding separately instituted in that behalf. <sup>That</sup> This is a matter which the Tribunal will ~~not~~ not go into. *in a proceedings under the Contempt of Courts Act.*

5. With the above observations, the CP is dismissed.

  
(R.K. Ahooja)

Member (A)

aa.

  
(A.V. Haridasan)

Vice Chairman (J)