

(78)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CP-304/97
OA-1809/89

New Delhi this the 15th day of December, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. M.R. Gupta,
R/o 831, Laxmibai Nagar,
New Delhi-23.

.... Petitioner

(Petitioner in person)

versus

1. Sh. S.P. Mehta,
General Manager.
Northern Railways,
Baroda House,
New Delhi-1.

2. Sh. B.P. Misra,
Deputy Controller of Patents
& Designs, Patent Office
Branch, IIIrd Floor, Municipal
Market Building, Karol Bagh,
New Delhi-5.

.... Respondents

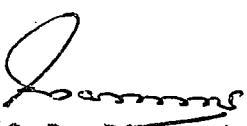
(through Sh. Raj Birbal, Sr. Counsel with Sh. P.S.
Mahendru, advocate)

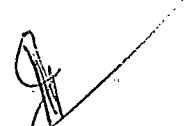
ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

This contempt petition has arisen from non-compliance of our order dated 6.5.97. Having not satisfied with the affidavit filed, personal appearance was directed on 27.11.97 and the respondents present in court today have undertaken to comply with the order within 10 days from today. This Tribunal had given a direction that the respondents would refix the pay of the petitioner in accordance with FIR 22(I)(a)(1) alongwith other directions. Respondents had given some calculation as shown at R-1 annexed to the affidavit of compliance. We have gone through the entire file and we

suggested to the respondents that the correct implementation of the order would be to fix the pay scale of the petitioner in the scale of Rs.550-750 at Rs.620/- and add 42% of D.A. and arrive at the amount as Rs.880/-. Since the judgement has given the benefit of one increment, another Rs.30/- is to be added to the State Government Scale. The petitioner is also entitled to Rs.50/- as special pay again on the scale of the State Government w.e.f. 1.8.78 and thus the basic pay Rs. 880/- now would become Rs.880+30, namely, Rs.910/-. Let the final payment be worked out according to this calculation and we record this for the purpose of avoiding any miscalculation. We make it clear that Rs. 910/- may not be within the existing scale of Rs.550-750 for the simple reason that Rs.910/- cannot be paid out of Rs.550-750 but Rs.910/- is to be calculated on notional basis to include the D.A. component of the said scale and that shall be considered as a deemed point in the pay scale and as personal pay. The ld. counsel appearing on behalf of the respondents undertakes to complete this exercise within 15 days and make payment accordingly to the petitioner. With this undertaking, this contempt petition is disposed of. Notices issued to the alleged contemnors are discharged.


(S. P. Biswas)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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