

(83)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 26/1998

in

O.A. NO. 1809/1989

New Delhi this the 27th day of July, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

M. R. Gupta,
R/O 831, Laxmibai Nagar,
New Delhi-110023.

... Applicant

(In Person)

-Versus-

1. Shri S. P. Mehta,
General Manager,
Northern Railway, Baroda House,
New Delhi-110001.
2. Shri B. P. Misra,
Joint Controller of Patents & Designs,
Patent Office Branch,
Municipal Market Building,
Karol Bagh,
New Delhi-110005.

... Respondents

(By Shri P. S. Mahendru, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

In OA No. 1809/89 decided on 15.12.1997, the respondents were directed to refix the pay of the applicant in the manner indicated. As that was not complied with, this contempt petition has been filed.

2. In paragraph 9 of the counter it has been stated that the pay of the applicant was refixed as directed by the Tribunal in the said OA. Statement pertaining to refixation has been filed. A copy of this refixation notice has also been supplied to the applicant.

3. The applicant submits that his pay has not been properly fixed in accordance with the directions of the Tribunal. In the context of this statement, we again looked to the directions made by the Tribunal. The direction is to fix the pay scale of the applicant in the scale of Rs.550-750 at Rs.620/-. Then it is further directed to add 42% D.A. and arrive at the figure of Rs.880/-. That also appears to have been done by the respondents. The direction further says that the benefit of one increment of Rs.30 be added to the State Government Scale. Certain other reliefs were given pertaining to certain calculations. On a bare perusal, it appears that the order has been substantially complied with by the respondents. If correctness of calculations made be disputed by the applicant, his remedy is by filing a fresh application and not by continuing with these contempt proceedings.

4. Accordingly, in view of substantial compliance order, we direct these contempt proceedings to be dropped and rule nisi, if any, discharged. Liberty is given to the applicant to agitate his grievance by filing a fresh application and if that is done, that shall be decided on its own merits in accordance with law.

Km

(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

/as/