

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 337/2000
in
O.A. NO. 1584/1991

(36)

New Delhi this the 13th day of December, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Tika Ram S/O Ram Piarey,
R/O 11/38, Sector 18, Rohini,
Delhi-110085.

... Applicant

(By Shri Sanjay, Advocate)

-versus-

1. Shri Ashok Kumar,
Secretary, Department of Official
Language, Lok Nayak Bhawan,
New Delhi.
2. Shri R.K.Saini, Director,
Central Translation Bureau,
Paryavaran Bhawan, 8th Floor,
CGO complex, Lodhi Road,
New Delhi.
3. Shri Hari Krishan Sharma,
Administrative Officer,
Central Translation Bureau,
Paryavaran Bhawan,
CGO complex, Lodhi Road,
New Delhi-110003.
4. Shri Raj Kumar Saini,
Director, Central Translation Bureau,
Dept. of Official Language,
Govt. of India, Ministry of
Home Affairs, Paryavaran Bhawan,
Lodhi Road, New Delhi-3.
5. Shri Roshan Lal,
Pay & Accounts Officer,
Ministry of Home, Secretariat,
Jam Nagar House,
New Delhi. ... Respondents

(By Shri V.S.R.Krishna & Mrs. C.M.Chopra, Adv.)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

W.L. Parties are not ad idem as to whether respondents have complied with the order passed by

(A)
(b)

By this Tribunal on 14.10.1997 in OA No.1584/1991. By the order following directions have been issued :

"5. In the facts and circumstances of the case, therefore, we find that on the basis of the documents placed on record the contention of the respondents that the applicant was returned to CTB on 1.9.1971 by way of mutual transfer is untenable and we are also satisfied that the ratio of the judgement of the Delhi High Court in CWP No.905/74 in Bansal's case is fully applicable to the present case.

6. In the result, the application is allowed. The respondents are directed to give similar benefits to the applicant as has been given to Shri Bansal, including seniority as UDC in CTB. This action shall be taken within a period of three months from the date of receipt of this order."

2. Since the applicant has been directed to be given similar benefits as have been given to Shri Bansal, it would be useful to reproduce the operative part of the order passed by the High Court in his case, which is as under :

"For these reasons, I hold that the petitioner's seniority must be taken as from 2.12.1967 when he was appointed as a regular L.D.C.. I hold that his reversion from the post of U.D.C. to that of LDC is illegal. He will retain his seniority No.5 in the provisional seniority list dated 24.4.1972. He will also be entitled to all the consequential benefits such as promotion, pay and allowances etc..."

3. As far as the applicant is concerned, he has been given benefit of seniority and consequential benefits of promotion, pensionary benefits and pay and allowances as admissible under rules. He has been promoted to the post of Office Superintendent (pay



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scale Rs.550-20-650-25-750) on notional basis with effect from 16.2.1976. He was further promoted to the post of Administrative Officer (pay scale Rs.650-30-740-35-810-EB-35-880-40-1000-EB-40-1200) on notional basis with effect from 1.9.1982. He has also been given revision of pension as well as family pension based on the aforesaid orders of promotion carrying the aforesaid scales. He has also been given differential commuted value of pension. The short grievance which now survives on the part of the applicant is that whereas he was entitled to be paid pay and allowances which are attached to the promotional posts, he has merely been given notional promotion and has been denied actual monetary benefits. In this regard, respondents have placed reliance on FR-17 which insofar as is relevant, provides as under :

"F.R.17.(1) Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties."

Reliance is also placed by the respondents on certain decisions of the Supreme court, namely, Paluru Ramkrishnaiah v. Union of India, AIR 1990 SC 166 and State of Haryana v. O.P.Gupta, 1996 (2) SLR 466, in support of the contention that applicant will not be entitled to be paid higher salary attached to the promotional posts till such time that he actually



(B)

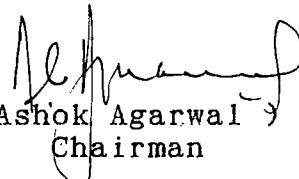
shoulders the duties and responsibilities of the said posts.

4 In our judgment, aforesaid dispute cannot be a subject matter of a contempt petition. If applicant is still aggrieved on the action taken by and on behalf of respondents, he will be at liberty to adopt independent proceedings. He cannot be heard in this behalf in the present contempt petition.

5. Present contempt petition, in the circumstances, is disposed of with no order as to costs. Notices issued are discharged.


(S.A.T. Rizvi)

Member (A)


(Ashok Agarwal)
Chairman

/as/