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**Central Administrative Tribunal
Principal Bench**

**CP No.834/2010
in
OA No.518/2004**

New Delhi, this the 4th day of February, 2011

**Hon'ble Mrs. Meera Chhibber, Member (J)
Hon'ble Dr. Ramesh Chandra Panda, Member (A)**

Late A. N. Khan through Legal Heir
Smt. Raisa Begum,
Aged about 53 years,
W/o Late Ashfaqul Nabi Khan
R/o 35-D, DDA MIG Flats,
B-Block, Vivek Vihar,
Phase-III, Shahdara,
Delhi-95.

.... Applicant.

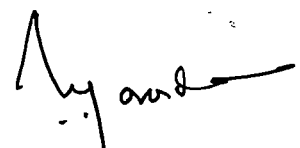
(By Advocate : None)

Versus

1. Ms. Nurain Naqvi,
Director General,
All India Radio, Broadcasting & Corporation of India,
Prasar Bharti, Ministry of Information & Broadcasting,
Sansad Marg,
New Delhi 110 001.
2. Mr. Gulab Chandra
Station Director,
All India Radio,
Prasar Bharti,
Lucknow, U.P.
3. Shri Sukhram
Station Engineer (Head of the Office)
All India Radio, Prasar Bharti,
Rampur, U.P.

.... Respondents.

(By Advocate : Shri S, M. Arif)



: O R D E R :

Dr. Ramesh Chandra Panda, Member (A) :

The Applicant is the legal heir of Late A. N. Khan who was working as Staff Car Driver with the Respondents and has moved this CP on the ground that the Respondents have not implemented the directions of this Tribunal passed on 29.11.2005 in **OA No.518/2004**.

2. In OA No.518/2004 moved by A. N. Khan, retired Staff Car Driver, this Tribunal passed on 29.11.2005 the following order:-

"11. In view of the discussions made hereinabove, we allow the Original Application in part and quash & set aside impugned communications dated 03.03.2003 as well as 13.02.2003 and hold that the Applicant would be entitled to the benefit of waiver of trade test, as allowed to others. Consequently, the applicant would be entitled to the grant of pay scale of Rs.1320-2040/- w.e.f. 01.08.1993. However, in the facts and circumstances of the present case, we do not wish to either accord him the arrears of pay or interest as prayed for. However, the Applicant would be entitled to refixation of his pensionary benefits along with arrears of pension and pensionary benefits. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs."

3. It is worthwhile for us to note that the Applicant moved this Tribunal in a Review Application (**RA No.28/2006**) which on consideration was dismissed vide order dated 6.03.2006. Further, the Respondents in the OA moved a Writ Petition [**WP(C) No.133 of 2007**] challenging the orders passed by the

Agarwal

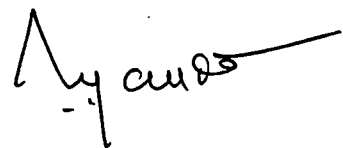
Tribunal dated 29.11.2005 which on consideration by the Hon'ble High Court passed the following order :-

"5. The above reason is absolutely unexceptional and even on merits no interference is warranted. Accordingly, while dismissing the Writ Petition both on laches and merits, we are of the view that payment as directed shall be made to the legal heirs of the Respondent which are brought on record today, not later than 30th April, 2007 failing which such dues shall carry interest at 6% from the date of the CAT's judgment till the date of payment.

6. The Writ Petition is dismissed and stands disposed of accordingly alongwith all pending CMs."

4. The Respondents on receipt of notice have entered appearance and have filed a reply affidavit clearly indicating that the orders passed by the Tribunal and confirmed by the Hon'ble High Court of Delhi have been implemented fully.

5. Shri S. M. Arif, learned Senior Counsel for the Government of India represented the Respondents. He submits that the Applicant in the CP have not brought out the true facts and have concealed certain information which have been clearly spelt out in the counter filed by the Respondents. He also submits that no contempt has been committed by them as the directions of this Tribunal and the Hon'ble High Court have been complied with in both letter and spirit.



6. It is worthwhile for us to take the extracts of the relevant paragraphs of the counter filed by the Respondents to the CP which read as follows :-

"4. That in terms of the directions of the Hon'ble High Court of Delhi dated 9.03.2007, and in terms of the orders issued by the respondent No.1 herein vide order dated 10.04.2007 for compliance of the directions of the Hon'ble Tribunal, which merges with the directions of the Hon'ble High Court of Delhi, the respondent No.3 herein fixed the pay of late Shri A. N. Khan in the pay scale of Rs.1320-2040/- from 1.8.1993 and Rs.4500-125-7000/- w.e.f. 1.1.1996 (5th pay commission scale) on 13.4.2007 and the copy of the said Pay Fixation was also sent to the Legal Heir of Late Shri A. N. Khan namely Smt. Raisa Begum, the petitioner in the present C.P. The copies of the same are enclosed as Annexure R-4 & R-5 respectively.

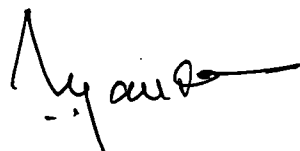
5. That the office of the respondent No.3 herein vide its letter dated 16.04.2007 sent all the revised pay documents i.e. pay fixation letter, commuted pension, family pension, gratuity calculation etc. to the Pay and Accounts Office, A.I.R. Lucknow for necessary action before 30.04.2007. The copy of the said letter is enclosed as Annexure R-6.

6. That all the revised pay and pension documents along with the orders of the Hon'ble Tribunal, Hon'ble High Court of Delhi and the letter of respondents No.1 herein has also been sent to Smt. Raisa Begum by speed post for speedy payment.

It is pertinent to mention here that the copy of the said letter was also endorsed to the D.G. All India Radio, new Delhi and the Station Director, All India Radio, Lucknow for Information.


That the revised gratuity bill of Rs.4340/- has been sent to P.A.O. All India Radio, Lucknow on 7.5.2007 and the revised E.L. encashment bill on 5.6.2007 for necessary payment. The copies of the same are enclosed as Annexure R-7 and R-8 respectively.

7. That as per the revised Pay Fixation of late Shri A. N. Khan done by the office of the respondent No.3 herein from 1.8.1993. The P.A.O. A.I.R. Lucknow sent



revised pension and revised family pension orders to the Central Pension Office, New Delhi on 24.04.2007 for payment. It is further submitted that the P.A.O. also sent the order of payment for difference in commuted value of pension on 25.04.2007 to C.P.O., New Delhi. The copy of the same are enclosed as Annexure R-9 (colly)."

7. Taking into account the information furnished by the Respondents, we find that the directions of this Tribunal has been fairly and reasonably complied with. No contempt has been made out by the Applicant in the present CP. We, therefore, close the CP and discharge the notice with no order as to costs.


(Dr. Ramesh Chandra Panda)
Member (A)


(Mrs. Meera Chhibber)
Member (J)

/pj/