

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 5th day of December, 2001

Contempt Petition No. 73 of 2001.

In

Original Application No.1282 of 2000.

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiquddin, J.M.

Narendra Pratap Pandey,
Son of Shiv Nath Pandey,
Resident of 220-B, Briz Enclave,
Sunderpur, Varanasi.

(Sri VK Srivastava, Advocate)

VersusApplicant

1. V.K. Garg, General Manager, North Eastern Railway, Gorakhpur.
2. P.K. Gupta, Divisional Rail Manager, North Eastern Railway, Lahartara, Varanasi,
3. Sri M.K. Bhodley, Chief Medical Director, North Eastern Railway, Gorakhpur.
4. Dr. K.S. Pongati, Chief Medical Superintendent, North Eastern Railway, Varanasi.

(Sri Prashant Mathur, Advocate)

.Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. S. Dayal, A.M.

This contempt petition has been filed for wilful disobedience of the order dated 5-1-2001 which reads as follows :-

"We direct that if the scale of the senior Clerk is Rs.4500-700 and the applicant is entitled for the same as Senior Clerk the impugned orders shall not effect this salary of the applicant."

2. We have heard Sri VK Srivastava, counsel for the applicant and Sri Prashant Mathur, counsel for the respondents.

3. We thus find that the order dated 5-1-2001, which

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was passed by way of an interim order in OA No.1282 of 2000 directing respondents to grant scale of Rs.4500-7000 to the applicant if scale of Senior Clerk was Rs.4500-7000 and if the applicant is entitled for the same. We have perused the counter reply of the respondents in which they have mentioned that the grade of Senior Clerk Family Welfare as per as per recommendation of 5th Pay Commission is Rs.4000-6000 while the grade of Senior Clerk in Ministerial Clerk was Rs.4500-7000. He has in this connection produced as Annexure-3 the avenue of family welfare organisation in which the Field Workers in the scale of Rs.3050-4590 can be promoted either as Senior Clerk or Senior Field Worker in the scale of Rs.4000-6000 and Senior Clerk/Senior Field Worker can be promoted to the post of Compilation Clerk in the scale of Rs.4500-7000. It is clear from the avenue that the applicant cannot be set up below the Ministerial Cadre and his avenue of promotion to Compilation Clerk and thereafter Statistical Assistant and Extension Educator and thereafter Extension Educator.

4. Learned counsel for the applicant has vigorously argued and showed Annexure-CA.3 in which the scale of Field Worker is shown as Rs.3050-4590. The scale of Compilation Clerk is shown as Rs. Rs.4500-7000 and the scale of Extension Educator is Rs.5500-2000. The contention of learned counsel for the applicant is that the scale of Rs.4000-6000 does not appear in this avenue.

5. We are unable to accept the contention of the learned counsel for the applicant because the avenue of channel of promotion as shown by the respondents in their counter reply is the same as avenue of channel shown by the learned counsel for the applicant here. ~~The~~ Only scales ^{are} ^{to} ~~different~~ because of application of 5th Pay Commission. It is clear from the avenue channel of promotion that the applicant cannot be said below ^{to} ^{by}

to ✓
A the ministerial cadre, to whom pay scale in ministerial
cadre would be available. We find that no case for contempt
exists on account of clarification given by the respondents.
The contempt proceedings are dropped and notices issued
are discharged.

6. As regards applicability of the pay scale claimed
by the applicant, learned counsel for the applicant still
would be able to urge that in the OA which is pending.

Member (J)  Member (A) 

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