

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL CONTEMPT APPLICATION NO.48 OF 2004

IN

ORIGINAL APPLICATION NO.1432 OF 2001
ALLAHABAD THIS THE 17TH DAY OF JANUARY, 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER-A

1. Ramji Son of Sri Chhangur Ex-Fitter,
Under Section Engineer/P.Way/CDMR (Chandauli
Majhwar) in Mughalsarai Division of East
Central Railway.
2. Sukil Son of Bikoo.
3. Hanuman Son of Sri Samaroo.
4. Ram Ji Son of Shri Jhinguri.

Applicant No.1 to 4 are working and discharging duties
of skilled Fitter but wrongly designated as semi
skilled Fitter under supervision of section Engineer/
P. Way/CDMR (Chandauli Majhwar) in Mughalsarai Division
of East Central Railway.

.....Applicants

(By Advocate Shri S. Ram)

Versus

1. R.S. Vasarney General Manager, East Central
Railway, Rajipur.
2. Ramesh Kumar Senior Divisional Engineer (Coordination),
East Central Railway, Mughalsarai.
3. P. Katiyar Assistant Personnel (Officer) East Central
Railway, Mughalsarai.
4. J.S. Dev Royal Assistant Engineer/II/East Central
Railway, Mughalsarai.

.....Respondents

DRS (By Advocate Shri K.P. Singh)

O_R_D_E_R_

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

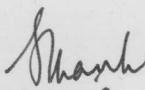
The applicant's pay was fixed in the scale of Rs.950-1500/- vide order dated 01.05.1992. The replacement scale for Rs.950-1500/- as per Vth Pay Commission is admittedly Rs.3050-4590/- w.e.f. 01.01.1996. It appears that the applicants were subsequently placed in the scale of Rs.2650-4000/- vide order dated 24.07.2001. The said order dated 24.07.2001 came to be set aside by the Tribunal vide order dated 05.08.2003 passed in O.A. No.1432/01 with liberty given to the respondents to comply with the Principles of Natural Justice before passing any order if deemed necessary in accordance with law.

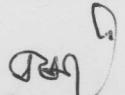
Consequent upon the direction of this Tribunal, the respondents have passed order dated 11.02.2004 (Annexure-II) whereby they have reiterated that fixation of the applicant's pay in the scale of Rs.800-1150/2650-4000/- was correct. The legality of the said order dated 11.02.2004 is subject matter of challenge in the O.A. No.611/04 and 622/04. The argument that the respondents have committed contempt of the Tribunal and have not complied with the direction given by it vide order dated 05.08.2003 is un-tenable. There is no direction for payment of salary in the scale of Rs.950-1500/3050-4590/- for the period 24.07.2001, the date on which their pay was fixed in the scale of Rs.2650-4000/- and the date 11.02.2004 the respondents have passed fresh order. This question, in our opinion, can be gone into in the O.A. instituted against the order dated 11.02.2004. It may be observed who has

(P.S.)

already retired on 30.10.2003 may institute original application, if so advised, seeking issuance of a direction for fixation of his pay in the scale of Rs. 950-1500/3050-4590/-.. The respondents have committed no contempt and the application is being mis-conceived is liable to be rejected.

2. Accordingly the Contempt petition is, therefore, dismissed. Notices are discharged.


Member-A


Vice-Chairman

/ns/