

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

CP No.26/2017 in OA No.136/2014

This the 14th day of September, 2021.

**Coram : Hon'ble Shri Jayesh V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Yasminbanu Mohmedsalim Kapadia
Legal heir of Mohmed Salim Yusuf Kapadia
Aged 52 years,
Resident of Nana Taiwad, Near Masjid,
B/h. Library Valsad – 396 001. Applicant

(By Advocate : Ms.S.S.Chaturvedi)

VERSUS

- 1. Union of India,
Notice to be served through
Shri G.C.Agrawal or his successor
General Manager
Western Railway,
Churchgate, Mumbai – 400 020.**

- 2. Shri Shailendra Kumar or his successor
Divisional Railway Manager
Western Railway, Mumbai Division, Mumbai Central
Mumbai – 400 008 (Maharashtra)..... Respondents**

(By Advocate : Shri M.J.Patel)

O R D E R (ORAL)

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

- 1. Heard Ms. S.S.Chaturvedi, counsel for the applicant and Shri M.J.Patel, Standing counsel for the Opponents. As per the direction of this Tribunal, concerned Officers of the respondent department are present in the Court Room and explained the calculation with respect**

to fixation of pay and pension of the applicant, as mentioned in their additional affidavit dated 18.03.2021.

2. Standing counsel for the Opponents, Shri M.J.Patel submits that as per the direction issued by this Tribunal vide order dated 09.06.2015, necessary effect to the order of promotion dated 28.07.2004 was given in favour of the applicant and thereby refixing his pay in the scale of Rs. 7450-11500 w.e.f. 01.11.2003. Further, it is stated that the applicant was not eligible for further two increment at the rate of Rs.14,365- as the applicant took voluntary retirement w.e.f. 04.02.2004 before the date of his next increment (i.e. 01.04.2004). The applicant was not found eligible for 30% (RA) (Pay element) on promotion as CLI in pay scale of Rs.7450-11500 (rps), as he was already granted the benefits on promotion as LI in the pay scale of Rs.6500-10500(rps). It is also stated that as per the direction of this Tribunal, the pay of the applicant has been fixed at Rs.10825/- as on 03.02.2004 i.e. next stage in promotional grade of Rs.7450-11500 (Rs.10600/- as on 01.11.2003. Pay fixed on promotion of the applicant as CLI). Subsequently, time to time, revised PPO was issued including revised pension and revised family pension as per VIth and VIIth CPC. Accordingly, the respondents have fully complied with the direction issued by this Tribunal in OA.
3. On the otherhand, Ms.S.S.Chaturvedi counsel for the applicant submits that pay scale which was mentioned as Rs.10600/- in PPO was issued

in the year 2006 and 2012, the same pay scale had been granted to the applicant as such, they have not given effect of the pay scale of Rs.7450-11500 with all consequential benefits including the pension and arrears, as directed by this Tribunal. In sum, it is the grievance of the applicant that the pay scale which was mentioned in earlier PPO has not been changed. Therefore, the respondents have not complied with order.

4. We have gone through the additional affidavit dated 18.03.2021 filed by the Opponent and sufficient explanation has been stated therein with regard to compliance of the order passed by this Tribunal. We are satisfied that sufficient compliance has been made. The objection raised by the applicant is not tenable.
5. In view of the above discussion, the present Contempt Petition stands dropped. Notice to the alleged contemnor stands discharged.

**(A.K.Dubey)
Member (A)**

**(J.V.Bhairavia)
Member (J)**

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