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Open Court

GENERAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Contempt Application No.156 of 2003

In

Original Application No.575 & 1134 of 1997

Allahabad this the 21st day of May, 2004

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr.S.K. Hajra, Member (A)

1. Girish Chandra S/o Late Daya Shanker, resident of 196/K/9M/1M, Kalindipuram, Allahabad.
2. H.L. Chhabra S/o Late H.N. Chhabra R/o 65/4, Labour Colony, Govind Nagar, Kanpur.

Applicants

By Advocate Shri H.S. Srivastava

Versus

1. Shri G.C. Bhandari, Controller General of Defence Accounts, West Block-V, R.K. Puram, New Delhi.
2. Sri Sunil Mathur, Controller of Defence Accounts (Pension) Draupadighat, Allahabad.
3. Sri T.P. Mondal, Chief Controller of Accounts (Fys.) 10-A, Auckland Road, Calcutta-72.

Respondents

By Advocate Shri G.R. Gupta

O R D E R (Oral)

By Hon'ble Mr. Justice S.R. Singh, V.C.

This contempt petition has been instituted on the ground of alleged non compliance of direction given by the Tribunal vide order dated 20-01-2003 while finally disposing of the O.A.No.575/97 and O.A.No.1134/97. A copy of the Judgment of Tribunal has been annexed to the contempt application. The claim of the applicant

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in the O.A.
[was for grant of special pay of Rs.35/- per month w.e.f. 01.05.1986. The Tribunal held that those who were not entitled to Special Pay earlier, became entitled to Special Pay w.e.f. 10-07-1986 on account of order dated 20.10.1995. The Tribunal further held that it was not known whether the applicants belonged to any of the two categories referred to in the order. However, the Tribunal observed that in case they belong to any of ~~the~~ two categories, they should individually bring the fact to the notice of respondent no.4 by means of representation and respondents should consider their claim under the Scheme applicable to those falling between sl.no.1 to 2040 for grant of Special Pay w.e.f. 10.07.1986. The respondents were accordingly directed to consider the claim of individual applicants filing their representation in accordance with the principles outlined in the Judgment.

2. In the counter-affidavit filed by Shri T.P.Mandal IDAS presently posted as Principal Controller of Accounts (Fys), Kolkata, it is stated that after considering the case in detail in accordance with the direction given by the Tribunal vide order dated 20.01.2003, the Competent Authority came to the conclusion that Special Pay of Rs.35/- per month cannot be granted to the applicants in terms of Headquarters letters dated 05.05.1984 and 31.05.1995 as they did not fall in any of two categories mentioned in the Tribunal's order dated 20.01.2003 and accordingly the decision of competent authority was communicated to the applicants vide order dated 26.09.2003.

3. In view of the above, we are of the view that no ground is made out for proceeding further in contempt

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jurisdiction. If applicants are aggrieved by the order dated 26.09.2003, they may pursue their remedy in original side and not in contempt jurisdiction. The contempt petition is dismissed. Notices are discharged.

Sunny Kumar Hayer
Member (A)

[Signature]
Vice Chairman

/M.M./