

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(10)

Dated : This the 13th day of November 2003.

Contempt Application no. 13 of 2003
in
Original Application no. 442 of 1996.

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

1. Chandra Bahadur Singh, S/o Sri I.J. Singh,
R/o 47 A, Muir Road, Razapur, Allahabad.
2. Niranjan Lal Singh,
S/o Sri R.D. Singh,
R/o 30/6/6, Alopibagh, Allahabad.
3. Neelaja Kant Chakravarti,
S/o late G.K. Chakravarti,
R/o 132/D/2, Alopibagh, Allahabad.

...Applicants

By Adv : Sri VK Goel & Sri KN Katiyar

Versus

1. N.K. Sharma, Senior Divisional Account Officer,
Northern Railway, Allahabad.
2. Smt. Maya Sinha,
Financial Advisor and Chief Account Officer,
Northern Railway (Head Quarter Office),
Baroda House,
New Delhi.

... Respondents

By Adv : Sri P Mathur

ORDER

Hon'ble Maj Gen KK Srivastava, Member (A).

This contempt application has been filed, under
Section 17 of the A.T. Act, 1985, for punishing the
respondents for wilful disobedience of the order of this
Tribunal dated 5.12.2001 passed in OA no. 442 of 1996.

This Tribunal by its above order gave the following direction:-

"We, therefore, direct the respondents to fix the

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pay of the applicants on par with the juniors who have promoted after 1.1.84. The respondents shall comply with this order within a period of 4 months from the date of receipt of certified copies of the order by respondents."

2. Learned counsel for the applicant invited our attention to para 5 of the said order and submitted that the anomaly in fixation of pay of the applicants ^{has crept in} ~~is~~ because of application of different ^{rules} ~~rules~~. The pay fixation of the applicant is done under Rule ²⁰¹⁷ ~~2071~~ (FR 22) of Indian Railway Establishment Code Vol. II, whereas in respect to persons promoted after 1.1.1984, Rule 2018-B (FR 22 C) of Indian Railway Establishment Code Vol II has been applied.

3. The main argument of learned counsel for the applicant is that by not applying the Rule 2018 B (FR 22C) for fixation of pay of the applicants, the respondents have committed contempt.

4. Sri P Mathur, learned counsel for the respondents submitted that the order of this Tribunal has been complied with in its true ~~spirits~~ and no contempt has been committed by the respondents.

5. We have perused the record and we find that prima facie there appears to be substance in the arguments ^{original} of learned counsel for the applicant. On perusal of record we find that the order of FA & CAO dated 01.10.2002 (Sl no. 128 of the Original File no. 47/Admn/129/Court Case/ CBS) nowhere has considered the above aspect of fixing the pay under different Rules. It would, therefore, be appropriate that FA & CAO should re-examine the representation of the applicants dated 22.5.2002 and pass a reasoned and

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Corrected vide Court order dated
24.05.04. *[Signature]*

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speaking order regarding the applicability of Rule 2017 (FR 22)
in respect of applicants vis-a-vis Rule 18 in respect of
others.

6. As regards the contempt we are satisfied that the
respondents have complied with the order of this Tribunal
as under-stood and interpreted by them. No case of
contempt is made out, contempt application is rejected.

[Signature]
Member (J)

[Signature]
Member (A)

/pc/