

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.**

CIVIL MISC. CONTEMPT PETITION NO. 77 of 2007

In

ORIGINAL APPLICATION NO. 26 of 2002.

ALLAHABAD THIS THE 30th DAY OF JANUARY 2009.**Hon'ble Mr. A.K. Gaur, Member (J)****Hon'ble Mr.S. N. Shukla, Member (A)**

Lalit Mohan Pandey, Son of Late Krishna Nand Pandey, R/o
354, Sai Prabha, Hira Nagar, Haldwani, District Nainital.

.....Applicant.

By Advocate: S.K. Shukla

Versus.

1. Tilak Kak, Director General Special Service Bureau, office situated at East Block-V, Leval-6, R.K. Puram, New Delhi.
2. Madhukar Gupta, Secretary, Ministry of Home Affairs, New Delhi.
3. Vikram Srivastava, Addl. Director General, Sashastra Seema Bal, (SSB) East Block-V, R.K. Puram, New Delhi.
4. D.K. Ojha, Director, Department of Personnel & Training, Director of Personnel Public Grievances & Pensions, New Delhi.

.....Opposite parties/Respondents.

By Advocate: Shri S.C. Mishra

O R D E R

Delivered by Hon'ble Mr. A.K. Gaur, Member (J)

Learned counsel for the respondents invited our attention to paragraph 4 of the Affidavit, wherein it is clearly observed that in compliance of the aforesaid judgment dated 4.1.2005, the competent authority i.e. Director, SSB Academy, Srinagar (Garhwal) has passed an order on 4.7.2008 through which the pay of the applicant has been re-fixed in the higher Scale of pay. A photocopy of order dated 4.7.2008 is annexed as Annexure-A-1. Vide order dated 4.7.2008, passed by competent authority

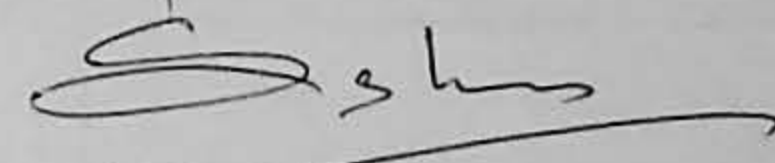
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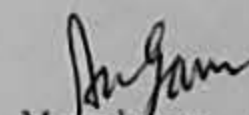
through which it has been informed that the applicant has assumed the charge of Deputy Inspector General, FA Gwaldam on 19.5.1989 (forenoon) and relinquish the charge on 31.10.1989 on account of his superannuation. While deciding OA No.26/02 filed by the applicant, this Tribunal passed the following orders :-

"Accordingly, the O.A. succeeds and is allowed. The order dated 14.8.2001 is quashed. Respondents are directed to give effect to the recommendation made by the DPC in the meeting held on 26.6.1989 and give notional promotion to the applicant with effect from the date of occurrence of vacancy provided the same had occurred before applicant's retirement, and accordingly, re-fix the pension of the applicant".

A perusal of the affidavit clearly indicates that the applicant's pay has been re-fixed in the higher Scale of pay. Having perusal of Annexure-3 along with affidavit it is clear that a direction is already issued for revising the pay and allowances and pensionary benefits of the applicant by the competent authority.

2. Accordingly, we are satisfied that the respondents have not committed willful disobedience of the order of this Tribunal. The respondents are making efforts to ensure compliance of the order of this Tribunal. If the applicant is still aggrieved he may approach this Tribunal for redressal of his grievance. Accordingly, the Contempt Petition is dismissed. Notices are discharged.


Member (A)


Member (J)

RKM/