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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: C U T T A C K.

O.A.No.288 of 1987.

Date of decision - 16th October, 1989.

S.C. Khare, S/o Sri Madhav Chandra Khare,
Ex-Lecturer, Government Higher Secondary School,
Pakhanjore, District-Bastar,
At present - Headmaster, M.E.School, M.V.-79,
P.O./P.S.Lachhipeta, District- Koraput.

.... Applicant

Versus.

1. Union of India, through the Secretary,
Department of Home Affairs, Rehabilitation Division,
Jaisalmer House, Mansingh Road, New Delhi.
2. The Chief Administrator,
Dandakaranya Project, District-Koraput.

..... Respondents

M/s. S.Misra-I & S.N.Misra ... For Applicant

Mr. Ganeswar Rath, Senior
Standing Counsel for the
Central Government. ... For Respondents.

C O R A M :

The Honourable Mr. B.R. Patel, Vice-Chairman

A n d

The Honourable Mr. N. Sen Gupta, Member(Judicial).

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1. Whether Reporters of local papers may be
allowed to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? No.
 3. Whether Their Lordships wish to see the
fair copy of the judgment ? Yes.
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J U D G M E N T.

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N. Sen Gupta, Member(Judicial). In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for initiation of a contempt proceeding against the respondents for not implementing the order of the Hon'ble Tribunal in Review Application No.14 of 1987 and further to direct the respondents to pay the arrear dues to him from 1.1.86 in the scale of Rs.2000-3500/- and further to restrain the respondents from relieving the applicant till his dues are paid to him.

2. The brief facts of the case are that the applicant who was previously working as a teacher under the Dandakaranya Development Authority filed O.A.No.142/86 for certain dues, said to have been payable to him and that case was disposed of on 18.3.87. Then there was a petition for review of the judgment passed in the original application which was numbered as Review Application No.14 of 1987. In that review application, an order was passed that the applicant be paid revised scale of pay for the post of Lecturer with effect from 5.11.81 to 12.5.86 less already drawn, within three months from the date of receipt of a copy of that judgment. In the present application it is averred that although four months had elapsed by the date of presentation of this application, the applicant had not been paid his dues as directed by this Tribunal and for that he had also made a representation on 10.9.87 but the representation was not disposed of and the arrear dues had not been paid. The applicant's case further is that he has become entitled to scale of pay of Rs.1640-2900/- from 1.1.1986 but his pay was not fixed in that scale and he was being paid his salary

15/10/87

9
14 VI

in the old scale of Rs.440-700/-. After 1.1.86 a notification was issued by the Government of India being numbered as F-5-180/86/UT.I and by that a modification of the scale previously sanctioned by the Fourth Pay Commission was made and those persons who worked as Lecturers in Higher Secondary Schools or as Headmasters in the M.E.Schools and completed 12 years of service became entitled to ~~gross~~^{draw} salary in the scale of Rs.2000-3500/- and further that He (applicant) had by 1.1.86 put in service in those categories for more than 12 years continuously. It has been further averred that the applicant was declared surplus with effect from 16.6.87 forenoon vide Annexure-2 and he gave his option for redeployment and that option was for posing him in the States of Madhya Pradesh, Uttar Pradesh or in Delhi, but instead of that, he was posted in Maharashtra. Making these allegations, the applicant has prayed for a direction for proceeding against the respondents for contempt for not having complied with the judgment in the earlier case, a direction to pay his arrear dues as per the orders of this Tribunal in Review Application No.14 of 1987, a further direction to pay him the dues for the period from 1.1.86 till the date of his relief from the organisation in the scale of pay of Rs.2000-3500/- and if that be not admissible, atleast his salary in the scale of pay of Rs.1640-2900/- less already paid and finally an order restraining the respondents from relieving him before payment of his arrear dues.

3. As appears from order No.2 dated 30.10.87 in the meantime the applicant has been paid Rs.27,000/- and in that order it was further observed that the prayer for restraining the respondents from relieving the applicant prior to payment of his arrear dues could not be acceded to in the circumstances.

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VII

Therefore, it is not permissible now to say that he should not be relived and in fact he has already been relieved from the organisation and he has been redeployed.

4. Mr. Ganeswar Rath, on behalf of the respondents, submits that he has not got full instructions as to whether further amounts have been paid in the meantime and unless he gets information, he would not be in a position to say if really the applicant has any arrear dues to get.

5. Having heard Mr. Rath and Mr.S.N.Misra for the applicant we are of the opinion that interests of justice can be best served if the applicant submits a statement of his dues according to his case to the organisation and the respondents after scrutinising that statement should pay all the arrear dues to the applicant within three months from the date of receipt of the statement of claim furnished by the applicant.

6. It has been urged by Mr.S.N.Misra that the applicant is entitled to have his pay fixed in the scale of RS.2000-3500/- as he has put in 13 years of service altogether as Headmaster in the M.E.School and as Lecturer in the Higher Secondary School. He seeks reliance on the circular already quoted above. On going through that circular, its applicability to the Dandakarany Development Authority is to be doubted, it would appear that in order to get the senior scale, somebody must have put in 12 years of service as post-graduate teacher or as a Headmaster of M.E.School, but it cannot be spelt out that the two periods can be tacked together. Even apart from that, on a reading of that circular it would appear that the circular applies only to the Union Territories and the Dandakaranya Development Authority/

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16/10/89

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VIII

come under that category. Accordingly, that part of submission of Mr.S.N.Misra is rejected, and the arrears of the applicant be calculated according to the pay to be fixed in the scale of Rs.1640-2900/-.

7. The application is accordingly disposed of. There shall be no order as to costs.

[Signature] 16/10/89
Member(Judicial)

B.R.Patel, Vice-Chairman.

I agree.



[Signature] 16.10.89
Vice-Chairman.

Central Administrative Tribunal,
Cuttack Bench, Cuttack,

The 16th October, 1989/Jena, S.P.A.