

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

CPC 37 of 2003
(OA 1347 of 1993)

Present : Hon'ble Mr. Nityananda Prusty, Judicial Member
Hon'ble Mr. N.D. Dayal, Administrative Member

Subodh Kr. Ghosh

-VS-

C.D. Arha & Anr.

For the Applicant : Mr. S. Saha, Counsel

For the Respondents: Ms. U. Bhattacharya, Counsel

Date of Order : 13-11-2003

ORDER

MR. NITYANANDA PRUSTY, JM

Heard Mr. S.Saha, Ld. Counsel for the applicant and Ms. U. Bhattacharya, Ld. Counsel for the departmental respondents/ alleged contemnors. During the course of hearing, the Ld. Counsel for the applicant brought to our notice the observation made in paragraph 8 of the order dated 17-10-2001 in O.A. 1347 of 1993. In paragraph 8 the categorical observation of the Tribunal was that "The pay scale of a post is always upgraded on the basis of pay Commission recommendation on periodical basis, but that does not mean that a higher pay scale has been granted to the incumbent. It is only a replacement scale of the old scale and not a higher pay scale in true sense of the term". Keeping in view the ^{above} observations while disposing of the O.A. the Tribunal had directed the respondent authorities to re-examine the case of the applicant for grant of appropriate higher pay scale considering the fact that he had no

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promotional channel and that he had been stagnating in the same post since his initial appointment. Further it was directed that this exercise be completed within six months from the date of communication of that order. However, the department in compliance of the above said order has passed the order dated 29-4-2002 (Annexure-C/5) wherein it has been categorically stated "the matter was sent to the Ministry along with Court's orders and the ministry has been pleased to allow him one step higher scale of pay i.e. Rs.975-28-1150-EB-30-1660/- instead of Rs.975 to 1540/-". In our considered opinion this order has been passed by the department in favour of the applicant in compliance of the order dated 17.10.2001 in O.A. 1347 of 1993. The annexure-C/5 clearly indicates that the department has not considered higher pay scale as a promotional channel and accordingly, the applicant has been allowed one higher scale since he has been stagnating in a post from the date of his initial appointment.

2. Considering the documents filed and relied upon by the applicant himself in this O.A. we are satisfied that the order of this Tribunal dated 17.10.2001 passed in O.A. 1347 of 1993 has already been complied with by the respondent authorities and as such the departmental respondents/alleged contemnors have not violated the order of this Tribunal as has been alleged by the applicant. However, in case the applicant has further grievance relating to the fixation of his pay, he is at liberty to approach the appropriate forum in accordance with law for redressal of his grievance. The present application is accordingly dropped. However, there shall be no order as to costs.



Member (A)



Member (J)