

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
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Dated: This the 05th day of JULY 2006

Contempt Application No. 52 of 2005
IN
Original Application No. 213 of 1995

Hon'ble Mr. M. Kanthaiah, Member (J)
Hon'ble Mr. P.K. Chatterji, Member (A)

R.P. Agarwal, a/a 72 yrs, S/o Sri R.K. Agarwal,
Ex-Assistant, Post Master General, UP Circle,
Lucknow at present residing at Bara Bazar,
Kannauj, UP.

.... Applicant

By Adv: Sri Surndran (P)

V E R S U S

Smt. V.T. Seth, Chief Post Master General, UP Circle,
Lucknow.

.... Respondent

By Adv: Sri P. Kumar

O R D E R

This Contempt Application has been filed by the applicant, Shri R.P. Agarwal, against the respondents that they have not implemented the decision of the Tribunal dated 03.11.2004 in respect of O.A. No. 213 of 1995, whereby the respondents were directed to re-fix the pay of the applicant in comparison to his juniors namely Shri Ojha Ram etc. and give benefit to the applicant in accordance with the rules and law. It was also directed that the respondents should also revise and re-fix the pension and other retiral benefits on the basis such

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stepped up of pay etc. and that the exercise should be completed within a period of four months from the date of receipt of the order.

2. The respondent has filed an affidavit dated 05.10.2005 in compliance with the Tribunal's order dated 03.11.2004. It transpires from the compliance report that the competent authority has ordered stepping up of the pay of Sri R.P. Agarwal, the applicant, w.e.f. 17.03.1986 with respect to the pay of Sri R.B. Pandey (junior to him). It was further pointed out by the applicant that in the descriptive part of the order of the Tribunal's dated 03.11.2004 it was clearly mentioned that the pay of Shri Agarwal was to be re-fixed with regard to the pay of all the juniors to the applicants namely Sri D.P. Ojha, Sri M.J. Siddique, Sri B.D. Pandey, Sri R.K. Mishra, Sri R.B. Pandey etc. If this is read with the operative portion of the direction of the Tribunal then it should be clear that the direction was for stepping up of pay of Sri R.P. Agarwal with reference to all his juniors beginning from Shri D.P. Ojha. Perhaps by oversight the respondent has complied with the orders by stepping up of Shri Agarwal's pay only with respect to Shri B.D. Pandey, only one of the juniors mentioned in the order of the Tribunal.

3. Therefore, it is directed that the respondent will take suitable action to fill up this gap in compliance and

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the pay of the applicant, Sri R.P. Agarwal should be re-fixed not only with respect to Shri B.P. Pandey but also with regard to all the juniors so that his pay is fixed at the scale most beneficial to Sri Agarwal. Compliance should be reported within a period of eight weeks from the date of receipt of copy of this order.

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5.7.66
(P.K. Chatterji)
Member (A)

.....
(M. Kanthaiah)
Member (J)

/pc/