

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

CCP No. 64/2006 in Original Application No: 580/2002

This, the 2nd day of August, 2011

**HON'BLE JUSTICE ALOK KUMAR SINGH, MEMBER (J)
HON'BLE SHRI S. P. SINGH, MEMBER (A)**

Sri Niranjan Kumar aged about 39 years son of late Sri Bal Govind r/o Village Parveer Paschim, Post Mohanlalganj, District- Lucknow.

Applicant.

By Advocate: Sri Amit Verma for Sri A.Moin

Versus

1. Raj Kumar , Director General, Post and Telegraph Department , Aminabad, Lucknow.
2. S.K. Saxena , The Senior Audit Examination Officer, P&T Audit Office, Aminabad , Lucknow.
3. Sri Radhika Dorai Swami, Director General Post and Telegraph, Department, Sham Nath Marg, New Delhi.

Respondents.

By Advocate: Sri G.K.Singh

ORDER (ORAL)

By Hon'ble Shri Justice Alok Kumar Singh, Member (J)

Heard the arguments placed by both the sides and perused the entire material on record.

2. This contempt petition has been filed for alleged non-compliance of this Tribunal's order dated 30.1.2006 passed in O.A. No. 580/2002. The relevant order is as under:-

“The respondents are directed to pass identical orders as in the case of Chandra Prakash, from the date as of the appointment of Shri Chandra Prakash. The applicant is also entitled to consequential benefits of seniority , fixation of pay, payment of arrears of pay from the date the applicant had initially applied for i.e.

March, 2002.”

3. A second compliance report dated 6.12.2010 has been filed on behalf of all the respondents which is on an affidavit sworn by one Sri Gajendra Singh, presently posted and

A.S.

working as Dy. Director in Post and Telecommunication, Audit Office, Lucknow. In para 6 of this report, it has been averred that in compliance of the aforesaid order, the applicant has been issued offer of appointment subject to final judgment of the Hon'ble High Court, Allahabad, Lucknow Bench in W.P. No. 969 (S/B) of 2007. The electrostat copy of order dated 16.3.2010 issued by the respondents has been brought on record as Annexure No.1.

4. It has been further averred that consequential benefits of seniority, fixation of pay, payment of arrears of pay have been given from the date the applicant had initially applied i.e. 7.3.2002 (from the date as of the appointment of Sri Chandra Prakash) vide office order No. 63 dated 5.7.2010 (Annexure No.2).

5. We have carefully gone through both the annexures. As against this, an objection has been filed from the side of the applicant saying that compliance has not been fully made. In this regard, firstly, it is submitted that the pay fixation is incorrect and the benefit of seniority has also been calculated wrongly. However, the payment of arrears to the tune of Rs.6,01,967/- has not been denied. Nevertheless, it is submitted on behalf of the applicant that in place of scale of Rs. 5200-20,200/- with grade pay of Rs. 1800/-, the respondents have fixed the applicant in the pay scale of Rs. 4440-7440/- with grade pay of Rs. 1300/-. But it has not been disclosed as to from what date, this pay scale or the grade pay was made available. On the other hand, a careful perusal of the further compliance report, particularly pay fixation chart (Annexure 2) shows that new pay scale/ grade pay has been made available to the applicant from

1.7.2006. There is nothing on record to show that this pay/grade was applicable prior to 1.7.2006 and therefore, we do not find any reason to accept the objection made in this regard on behalf of the applicant. The second submission from the side of the applicant is that though said Chandra Prakash is now holding the post of Auditor w.e.f 18th July, 2007 after his promotion but the same has not been given to the applicant. But as rightly pointed out from the side of the respondents there is no such direction in the order in question in respect of promotion. Moreover, order in question, is of the year 2006 whereas the alleged promotion of the above person is said to have been made by the department on 16.3.2010 i.e. after the passing of the aforesaid order of this Tribunal. Therefore, by any stretch of imagination, the order of the Tribunal cannot be construed to mean that the applicant was also entitled for subsequent promotion at par with Chandra Prakash.

6. No other objection was raised against compliance. Therefore, finally we come to the conclusion that substantial compliance has been made. Accordingly, this contempt petition is dismissed in full and final satisfaction. Notices stand discharged. No order as to costs.

S P Singh
(S. P. SINGH)
MEMBER (J)

Alok Kumar Singh
(JUSTICE ALOK KUMAR SINGH)
MEMBER (J)