

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

CCP No2/2010 in Original Application No. 144/2005

This, the 12th day of January, 2012

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

R.R. Kori, aged about 65 years retired Postal Assistant, Shahpur Bhagoli, Barabanki s/o Sri Ra. Khelawan r/o V.Kishhuti Vishan Dasspur, P.O. Soneraganpur (Tekri), District- Faizabad.

Applicant.

By Advocate: Sri R.S. Gupta

Versus

1. Sri Kamlesh Chandra, CPMG, Uttar Pradesh, Lucknow.
2. Sri Sachin Kishore, DPS o/o CPMG, Uttar Pradesh, Lucknow.
3. Sri R.P. Tripathi SPOs, Barabanki.

Respondents.

By Advocate: Sri S.P. Singh

ORDER (Dictated in Open Court)

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

By means of this contempt petition, compliance has been sought in respect of order/judgment dated 26.8.2009 passed in O.A. No. 144/2005.

2. The perusal of the opening paragraph of the judgment says that applicant was aggrieved with the punishment order dated 2.5.2003 (Annexure No.1) and Appellate order dated 6.5.2004 (Annexure No.2), whereby the pay of the applicant was reduced by two stages from Rs. 6950 to 6650/- in the pay scale of Rs. 5000-150-8000/- till his retirement.

3. Concededly, the applicant superannuated in January, 2004. Finally this O.A. was allowed. The aforesaid impugned order dated 2.5.2003 and appellate order dated 6.5.2004 were set aside. It was directed that the recovery if any made from the applicant till the date of his retirement be refunded. Further, a direction was granted that pensionary benefits be revised accordingly.

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4. There is no dispute in respect of the amount of recovery which was made and which has now been refunded. The dispute only appears in respect of pensionary benefits.

5. According to the compliance report submitted on behalf of the respondents, the pension has been fixed at the rate of Rs. 3475/- w.e.f. 1.2.2004 DAR as admissible from time to time. This amount has been indicated in the revised PPO which has now been issued in favour of the applicant (enclosed with compliance report).

6. It has been further elaborated from the side of the respondents that it is already mentioned in the opening paragraph of the aforesaid judgment itself, as on 2.5.2003 i.e. on the date of punishment order, the applicant was drawing basis salary of Rs. 6950/- which on account of punishment, was reduced by two stages from Rs. 6950 to 6650/-. The pay scale has also been indicated as Rs. 5000-150-8000/- Now in compliance of the aforesaid judgment/order of this Tribunal, the status quo ante has been restored i.e. the pay which was reduced from Rs. 6950 to Rs. 6650/- has been restored to Rs. 6950/- . Consequently, the amount of Rs. 3475/- has now been worked out as the basic pension which comes to nearly half of the amount of the average pay drawn during last 10 months. It is also said that the applicant has already received not only the recovery amount but also the above amount of pension without raising any objection.

7. The learned counsel for applicant however, says that he did file an objection addressed to the Superintendent of Post, Division Barabanki on 3.10.2011 but he has not filed it on record. He intends to file it now but it is not required because almost all those points which are said to be mentioned in that objection, have been raised in the recent objection which he has filed now. The crux of these objections is that he remained under suspension for more than 16 months and therefore, as a consequence of order / judgment of

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this Tribunal, he is also entitled to get his increment restored retrospectively. On the basis of that calculation, the pension, according to the applicant, ought to have been fixed at Rs. 3580/- (half of Rs. 7160).

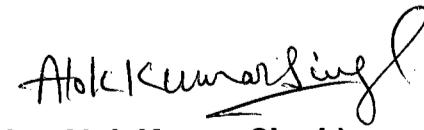
8. We have carefully gone through the entire order/judgment of this Tribunal dated 26.8.2009. The only relief which has been claimed by the applicant is mentioned in the opening paragraph of the judgment. There was no specific relief about restoration of increments retrospectively during the period of suspension as a consequence of setting aside the punishment order. Therefore, for us, the relevant cut off date is 2.5.2003, when the punishment order was passed and on that date, concededly, the basic pay of the applicant was Rs. 6950/- which has now been restored by the respondents and on that basis pension has been fixed.

9. Learned counsel for applicant also says that compliance report has not been filed by respondent No.1 and 2. Instead it has been filed by respondent No.3. Firstly, there is nothing on record to show that the compliance report ought to have been filed by respondent No.1 and 2. Otherwise also, we have to see as to whether or not the compliance has been made. It is not so material that the compliance report has been filed by whom. The only material thing is that it has been filed by one of the respondents and according to the respondents, the respondent No.3 is the person concerned who was dealing this matter.

10. Therefore, in our view, substantial compliance has been made. Accordingly this contempt petition deserves to be and is accordingly disposed of in full and final satisfaction. Notices stand discharged. No order as to costs.



(S.P.Singh)
Member (A)



(Justice Alok Kumar Singh)
Member (J)