

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

C.P.No.107/95 in  
M.A.No.167/95 in  
O.A.No.1091/91.

Date of Judgement : 11.4.1996.

Between

C.Chowdappa

.. Petitioner

And

1. Sri,D.Parthasarathi,  
Chief Postmaster-General,  
A.P.Circle, Hyderabad-1.
2. Sri T.S.Govinda Rajan,  
Postmaster-General,  
A.P.Southern Region,Kurnool  
at O/o Chief P.M.G.,  
A.P.Circle, Hyderabad-1.
3. Sri N.#abaji,  
Supdt., RMS 'AG' Dn.,  
Guntakal, Anantapur Dt. .. Respondents

---

Counsel for the Petitioner .. Shri B.S.A.Satyanarayana

Counsel for the Respondents .. Shri N.V.Ramana, Addl. CGSC

---

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

JUDGEMENT

(Oral Order as per Hon'ble Shri Justice M.G.Chaudhari,  
Vice-Chairman)

By order dated 9.3.95 on M.A.No.167/95 in O.A.No.1091/91 the respondents were directed to fix the pay of the applicant in terms of the order of the Tribunal and in accordance with the extant instructions and further to pay the arrears accruing on that count for the period from November, 1991, <sup>to</sup> the date of filing the O.A. In pursuance of the said direction the respondents are purported to have fixed the pay of the applicant

under the terms of Order 16 of the CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986. The details have been worked out and are stated in annexure II to the C.P. issued by the Office of Supdt., RMS 'AG' Dn. Guntakal dt. 13.9.95.

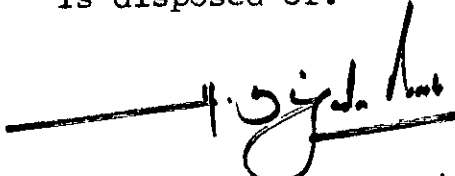
2. The grievance of the applicant is that the respondents have not correctly fixed his pay as directed and, therefore, the calculation made is not correct. More particularly the grievance is that the amount of pension is not to be taken into account. Hence the amount fixed is contrary to the rules and against the decision of the Tribunal.

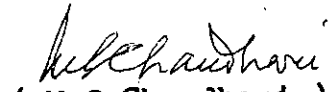
3. In our view since the respondents have complied with the direction of fixation of pay there does not arise any question of contempt of that order. The dispute being raised in regard to the mode and extent of calculation and its correctness is an independent matter and can be agitated by substantive proceedings, if so advised, by filing a proper application. Such a disputed question cannot be gone into within the ambit of the C.P. when the original direction has been complied with. However, it appears to us that there is some substance in the argument of the applicant that in the light of Ministry of Defence O.M.No.2(1)/83/D(Civ dt. 8.2.83 and Corrigendum dt. 24.10.83 (See pages 53-54 of Swamy's Compilation on Re-employment of Pensioners, Vth Edn. 1994) the quantum of pension is to be revised consistently therewith. We think that the applicant should have raised that question before the authorities concerned by filing a representation. Hence we give liberty to the applicant to file a representation, if so advised, to the appropriate authority within a period of four weeks from today. The representation shall be disposed by the respondents on merits within four weeks thereafter.

(14)

- 3 -

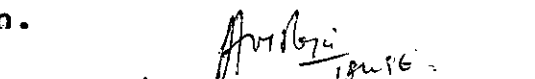
4. Subject to the above observations the contempt petition is disposed of.

  
( H. Rajendra Prasad )  
Member (A).

  
( M.G. Chaudhari )  
Vice-Chairman.

Dated: 11-4-1996.  
Open Court dictation.

br.

  
Deputy Registrar (DCC)