

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

....

ORDER SHEET

Original Application No : _____

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

53 /2002 in O.A 103/00

Applicant (s) S. P. Singh

-Vs-

Respondent (s) U. O. I. Govts

Advocate for the Applicant (s) Mr. S. Sarma, Mr. V. Das
Mr. B. C. Pathak,

Advocate for the Respondent(s) Adv. C. A. S. E.

Notes of the Registry	Date	Order of the Tribunal
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This Contempt petition
has been filed by the
Petitioner praying for
wilful and deliberate
disobedience of the directions
contained in the Judgment
and order dated 25.01.02
passed by this Hon'ble
Court in O.A 103/00.

Laid before the
Court for further
orders.

29/10/02
Court Office

10.10.02

Pass over for the day.
List on 11.10.2002 for orders.

I C Usha
Member

Vice-Chairman

11.10.02

List on 22.11.02 for order
on the prayer of learned counsel
for the applicant.

I C Usha
Member

Vice-Chairman

pg

Notice prepared &
Sent to D/S for my
the respondent No. 2
by Legal & Honor
X No. 3280 W 81
8/12/02
Dtd 4/12/02

22.11.02

Heard Mr. S. Sarma, learned
counsel for the applicant.

Issue notice to show cause as
to why the contempt proceedings shall
not be initiated.

List on 24.12.2002 for orders.

K. K. Sharma

Member

Vice-Chairman

No. reply has been
billed.

mb

24.12.02

List again on 6.1.2003 for
orders.

K. K. Sharma

Member

Vice-Chairman

mb

5.1.03 Present : The Hon'ble Mr Justice V.S.
Aggarwal, ~~Vice~~ Chairman.

The Hon'ble Mr K.K. Sharma,
Member (A).

Notice be issued to the newly arrayed
respondents, namely, Secretary, Department
of Personnel and Training, Govt. of India,
New Delhi. Retirrnable by 4.2.03.

K. K. Sharma

Member

Ag
Chairman

pg

4.2.2003

Put up again on 24.2.2003 for
further orders.

S
Member

Vice-Chairman

mb

24.2.2003 Put up again on 24.3.2003 to enable
the respondents to file reply on the
prayer made by Sri B.C. Pathak, learned
Adv. C.G.S.C. for the respondents.

No. reply has been
billed.

21.2.03

No. reply has been billed.

21.3.03

mb

Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

24.3.03

24.3.2003 Present : The Hon'ble Mr. Justice

Respondent No. 3 has
been informed reply.D.N. Chowdhury,
Vice-Chairman.The Hon'ble Mr. S.
Biswas, Member (A).

Perused the order dated

22.11.2002. Office to correct the
cause title and describe Sri A.R.
Aggarwal, Secretary to the Govt.
of India, Department of Personnel
& Training, New Delhi as party
respondent No.1 and Sri Gautam
Ray, Principal Registrar, Central
Administrative Tribunal, Principal
Bench, Faridkot House, Copernicus
Marg, New Delhi-110 001 as party
respondent No.2.Copy of order dtd 24/3/03.
forwarded to respondent No.1 &
2 & 3, by Speed Post.

D/No 318/20 dtd 26/3/03.

Respondent No-3 has
been filed reply, other
respondents not yet
filed:

28.4.03.

Affidavit in reply
submitted by Respondent
Contra No. 1, 2003.

P.B.

25.4.2003

Mr. B.C. Pathak, learned
Addl. C.G.S.C. for the respondents
stated that he has received the
instructions and prayed for time
to place the instructions in the
Court. List on 6.5.2003 for
orders.

S. Biswas

Member

bb

Vice-Chairman

Vice-Chairman

mb

(4)

C.P. 53/2002

Date

Notes of the Registry

Order of the Tribunal

6.5.2003 Present : The Hon'ble Mr. Justice

D.N. Chowdhury,
Vice-Chairman.The Hon'ble Mr. S. Bis-
was, Member (A).Reply filed by
The R.No. 1, 2 & 3.

Put up again on 21.5.03

for further orders.

S.K.

Member

Vice-Chairman

mb

21.5.2003 Present : The Hon'ble Mr. Justice

D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr. S.K. Hajra,
Administrative Member.Put up again on 9.6.2003 for orders
as prayed by Mr. S. Sarma, learned
counsel for the applicant.

S.K.

Member

Vice-Chairman

mb

9.6.2003

Present : The Hon'ble Mr. Justice
D.N. Chowdhury, Vice-Chairman.The Hon'ble Mr. R.K. Upadhyaya,
Member (A).Reply filed on behalf
of The R.No. 1, 2 & 3.S.K.
17/6/03.

mb

C.G.S.C.

Member

Vice-Chairman

List again on 18.6.2003 in
presence of Mr. B.G. Pathak, learned
Addl. C.G.S.C. for the respondents.

Notes of the Registry

Date

Orders of the Tribunal

18.6.2003

Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. R.K. Upadhyaya Member (A).

Heard Mr. S. Sarma, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl.C.G.S.C. for the respondents.

Perused the affidavit-in-reply filed by Sri S.S. Dawra, Secretary Department of Personnel & Training, New Delhi and also other connected materials.

Considering the facts and circumstances of the case we do not find any justification for continuance of the proceeding in view of the steps taken for implementation of the order.

The Contempt Petition thus stands closed.

Con. B. R. A. M.
Member

W
Vice-Chairman

mb

CCD

Notes of the Registry

Date

Orders of the Tribunal

X

Filed by
the applicant through
Alka Das
Advocate
21/10/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI
BENCH : GUWAHATI.

Contempt Petition No. 53 /2002.
IN OA NO 103/00.

In the matter of :

An application under section 17
of the Administrative Tribunals Act,
1985.

- And -

In the matter of :

Wilful and deliberate disobedience
of the directions contained in the
judgment and order dated 25.01.2002
passed by this Hon'ble Tribunal in
OA 103/2000 (SP Singh vs Union of
India & ors).

- And -

In the matter of :

Suresh Prasad Singh
Ex-Deputy Registrar (CAT)
3rd Bye-Lane, Tarun Nagar,
Guwahati-781005.

.... Petitioner

-versus -

Shri Gautam Ray,
Principal Registrar,
Central Administrative Tribunal,
Principal Bench, Faridkot Ho-use
Copernicus Marg, New Delhi-1100 01

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3. Shri R.K.Jain,
Deputy Registrar,
carrying out the functions of
the Registrar, Central Administrative
Tribunal Tribunal, Guwahati Bench,
Guwahati-781005.

①
X Sri A.R. Agarwal,
Secretary to the Govt. of India,
Deptt. of Personnel & Training
New Delhi (As per order dttd 22/4/02
in Misc. Petition No. 159/02).

... Respondents.

The humble petition of

the petitioner abovenamed :

Most Respectfully Sheweth :-

1. That the petitioner was working as Senior Grade Stenographer (Selection Grade Private Secretary) in the Establishment of the Gauhati High Court at Guwahati. He proceeded on deputation to the Patna Bench of the Central Administrative Tribunal (CAT) as Private Secretary and thereafter, was appointed as Deputy Registrar in the Guwahati Bench of the Tribunal.

2. That the petitioner as applicant filed OA 103/2000 before this Hon'ble Tribunal praying for the following reliefs:

- (1) Deputation Allowance @ 10% subject to a maximum of Rs. 500/- with effect from 11.12.89 to 30.10.1990.
- (2) Payment of Special Pay of Rs. 100/- and Medical Allowance of Rs. 100/- with effect from 11.12.1989 to 30.10.1990.
- (3) Fixation of pay with effect from 1.11.1990 under FR 22.
- (4) Payment of arrears of pay and revision of pension and pensionary benefits.

3. That the reliefs prayed for in the aforesaid OA 103/2000 was allowed(except item No.2) vide judgment and

3.

Order dated 25.01.2002 and the Respondents were directed to complete the exercise within three months from the date of receipt of the order.

A copy of the judgment and order dated 25.01.2002 passed in OA 103/2002 is annexed hereto and is marked as Annexure-1.

4. That on receipt of the Judgment and Order dated 25.01.2002, the petitioner submitted an application dated 31.01.2002 enclosing therewith a copy of the judgment and order dated 25.01.2002 to the Respondent No.2 for taking action as per the directions of the Hon'ble Tribunal.

A copy of the application dated 31.01.2002 is annexed hereto and is marked as Annexure-2.

5. That the Respondents filed MP No.67/2002 in OA 103/2000 praying for extension of three months' time with effect from 1.5.2002 to 31.7.2002 for implementing the Judgment and Order of this Hon'ble Tribunal. This Hon'ble Tribunal was pleased to allow the petitioner to file objection, if any, and accordingly he filed objection and upon hearing the counsel for both the parties, the prayer was disallowed vide order dated 17.05.2002 passed in MP No.67/2002.

A copy of the order dated 17.05.2002 passed in MP No.67/2002 is annexed hereto and is marked as Annexure-3.

4.

6. That the petitioner states that as per the aforesaid order dated 25.1.2002, the Respondents were duty bound to fix the pay of the petitioner under FR 22 as also pension and other pensionary benefits, as admissible under the Rules, and pay the same within 1.5.2002 and this is inspite of the fact that the petitioner issued reminders on 20.5.2002 and 4.10.2002.

Apart from the above, the prayer for further extension of time with effect from 1.5.2002 to 31.7.2002 for implementation of the judgment and order passed in OA 103/2000, was rejected vide order dated 17.5.2002 passed in MP No.67/2002, and after passing of the order dated 17.5.2002 another five months have elapsed and till date the petitioner has not been intimated anything about the implementation of the judgment and order passed in the aforesaid OA by this Hon'ble Tribunal.

7. That the petitioner has retired from service with effect from the Afternoon of 31.1.1998 and it is now going to be five years that he has not been allowed his full pension and other pensionary benefits, apart from his arrears of pay and allowance since 1990 and the Respondents/contemners are hell-bent to deprive him of his legitimate dues in spite of the directions of this Hon'ble Tribunal. The attitude which the Respondents/contemners have adopted in depriving the petitioner ~~@@@~~ of his legitimate dues, the petitioner does not expect that he would be able to get the same during his life-time.

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8. That your humble petitioner states that with

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each passing day the Respondents/contemners are continuously committing contempt of this Hon'ble Tribunal by not paying the petitioner the arrears of his pay and allowances, pension and other pensionary benefits after refixing the same which are legitimately due to him. This tantamounts to wilful and deliberate disobedience of the directions of this Hon'ble Tribunal contained in the order dated 25.01.2002 in OA 103/2002.

9. That, in view of the above, the petitioner humbly submits that this Hon'ble Tribunal in exercise of its jurisdiction under section 17 of the Administrative Tribunals Act, 1985, be pleased to initiate suitable contempt proceedings against the Respondents/contemners and punish them for wilful and deliberate disobedience of the order dated 25.1.02 passed in OA 103/2000, ~~passed~~ by this Hon'ble Tribunal.

10. That this application is filed bona fide and for securing the ends of justice.

In the premises aforesaid, it is, therefore, prayed that this Hon'ble Tribunal may be pleased to issue appropriate notices on the Respondents/contemners to show cause as to why suitable contempt proceedings should not be drawn up against the Respondents/contemners for deliberate and wilful disobedience of the order dated 25.01.2002 passed in OA 103/2000 and on hearing the parties and on perusal of the records be pleased to punish the opposite parties/contemners for contempt of this

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V

6.

Hon'ble Tribunal by way of wilful/deliberate
disobedience of the order mentioned above, and
/or pass such other order(s) as to this Hon'ble
Tribunal may deem fit and proper in the facts
and circumstances of the case.

And for this, the petitioner, as in duty bound, shall ever
pray.

 AFFIDAVIT...

AFFIDAVIT :

I, Shri Suresh Prasad Singh, son of late Munshi Prasad Singh, aged about 63 years, resident of 3rd Bye-Lane, Tarun Nagar, Guwahati, District-Kamrup, do hereby solemnly affirm and state as follows :-

1. That I am the petitioner of the instant petition and as such am fully conversant with the facts and circumstances of the case.
2. That the statements made in this affidavit and in paragraphs 1, 2, 6, 7 and 8 are true to my knowledge, those made in paragraphs 3, 4 and 5 being matters of record are true to my information derived therefrom which I believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

And I sign this affidavit today the 7th day of October 2002 at Guwahati.

Suresh Prasad Singh

Deponent.

Identified by me.

Usha Das

Advocate.

Solemnly affirm and state by the deponent who is identified by miss U. Das Advocate, on this 7th day of Oct. 2002.

Usha Das Suresh Prasad Singh
Advocate

ANNEXURE :-1

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 103 of 2000

Date of Order : This the 25th of January, 2002

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

Suresh Prasad Singh,
S/O Late Munshi Prasad Singh,
Resident of 3rd Bye Lane,
Tarun Nagar, Dispur,
Guwahati:- 781 005.
District: Kamrup (Assam). Applicant

By Mr B.K.Sharma, Sr. Advocate & Mr S.Sarma.

-Versus-

1. Union of India,
represented by the Secretary to the
Government of India,
Department of Personnel Training,
Public Grievances etc., North Block,
New Delhi-110 001.

2. The Registrar,
Central Administrative Tribunal,
Principal Bench,
Faridkot House, Copernicus Marg,
New Delhi- 110 001.

3. The Registrar,
Central Administrative Tribunal,
Guwahati Bench,
Guwahati:- 781 005.

4. The Registrar,
Central Administrative Tribunal,
Patna Bench,
SSA, Sri Krishna Nagar,
Patna- 800 001. Respondents

*Arrested
V. D. S.
Advocates.*

By Mr B.C.Pathak, Addl. C.G.S.C.

O R D E R

K.K.SHARMA, ADMN. MEMBER:

In this application under Section 19 of the Administrative Tribunals, Act, 1985 the applicant has claimed the following reliefs:-

- I. Deputation Allowance @ 10% subject to a maximum of Rs. 500/- w.e.f. 11.12.89 to 30.10.1990.
- II. Payment of Special pay of Rs. 100/- and Medical Allowance of Rs. 100/- w.e.f. 11.12.1989 to 30.10.2990.
- III. Fixation of pay w.e.f. 1.11.1990 under FR 22.
- IV. Payment of arrears of pay and revision of pensionary benefits.

The applicant was working as Senior Grade Stenographer in the pay scale of Rs. 1200-50-1450-EB-60-2050/- in the Gauhati High Court. The applicant joined as Private Secretary in the Patna Bench of Central Administrative Tribunal on 11.12.1989. While working as Private Secretary the applicant opted to draw his pay in the pay scale of his parent department. The applicant worked as Private Secretary in the said Bench upto 30.10.1990 when he was released to join the post of Deputy Registrar in the Guwahati Bench of Central Administrative Tribunal. The applicant joined as Deputy Registrar in the Guwahati Bench of Central Administrative Tribunal on 5.11.1990. As Deputy Registrar in the Guwahati Bench of the Tribunal the applicant opted for the Central pay scale. The applicant was allowed to draw the basic pay

*Amritsar
W.D.
Advocate.*

of Rs. 3000/- in the pay scale of Rs. 3000-4500/- on joining as Deputy Registrar though the applicant was drawing basic pay of Rs. 3950/- in his parent department.

2. The applicant's claim to the Deputation Allowance at 10% of pay subject to a maximum of Rs. 500/- is based on the Govt of India Office Memorandum No. 6/20/86-Estt(Pay)-II) dated 9.12.1986 and 4.6.1987. It is also stated that as the applicant was drawing a special pay of Rs. 100/- p.m. while working as Private Secretary in the Gauhati High Court and as the same was treated as basic pay in the parent department the applicant is entitled to the same. The applicant was also drawing a Medical Allowance @ 100/- p.m. while working in the Gauhati High Court. While working in the Patna Bench of Central Administrative Tribunal the applicant did not avail of C.G.H.S. facility and he is entitle to Rs. 100/- p.m. which he was drawing as Medical Allowance in his parent department.

3. The applicant has challenged his fixation of pay at the minimum scale of Deputy Registrar i.e. Rs. 3000/- while the applicant was drawing higher pay in the scale of Rs. 2975-4750/-. It is stated that on account of wrong fixation of pay as Deputy Registrar the applicant continued to draw the provisional pension. The applicant had filed an application before this Tribunal being O.A. No. 84 of 1996 for redressal of his grievances. The applicant was disposed of by an order dated 20.4.1999 directing the respondents to

Attested
Naren
Advocate.

consider the case of the applicant and to dispose of the same by a reasoned order. The applicant submitted a fresh representation dated 26.4.1999 stating his grievances which was disposed of by an order dated 6.10.1999 (Annexure-I to the O.A.). Still being aggrieved the applicant has filed this application.

4. Mr. B.K.Sharma, learned Sr. Counsel appeared on behalf of the applicant and elaborated the argument made in the application and elaborated the argument made in the application. The main submissions of the learned counsel for the applicant was that the respondents had wrongly rejected the claim of the applicant for Deputation Allowances relying on Govt of India Office Memorandum No.1/4/84-Est.(P-II) dated 26.12.1984. Under this O.M. the Deputation Allowance of employees of Public Sector Undertakings and State Govt. on deputation to Govt of India is restricted to 10% of the grade pay subject to a maximum of Rs. 250/-. The learned Sr Counsel submitted that in para 17 of the written statement filed in O.A. 84 of 1996 the respondents had admitted that Deputation Allowance which the applicant was entitled was @ 10% subject to a ceiling of Rs. 500/- p.m. He relied on Govt of India O.M. No. 2/12/87-Est.(Pay-II) dated 29.4.1988 to support his claim of Deputation Allowance @ 10% subject to a maximum of Rs. 500/- p.m. He also submitted that as special pay was part of the applicant's pay in his parent department the same was also to be paid to the applicant. The claim for Medical Allowance was also supported on the same ground. Mr.

*Arrested
W.D.
Advocate.*

Sharma referred to the Service Book entry dated 24.4.1991 regarding the fixation of pay of the applicant.

5. The respondents have filed written statement. Mr B.C.Pathak, learned Addl. C.G.S.C. appearing for the respondents supported the argument made in the written statement. The main thrust of his argument was that as the applicant had joined on deputation from Gauhati High Court he was governed by the Circular of 1984 which applied to the employees of Public Sector Undertakings and State Governments on deputation to the Central Government. He argued that the Circular of 1988 does not apply to the applicant as it is applicable to the Central Government employees going on deputation to other departments. It was argued by the learned Addl. C.G.S.C. that as the applicant was paid Deputation Allowance he was not entitled to the payment of special pay. As the C.G.H.S. Scheme was applicable to the Central Government employees in Patna the applicant was also not entitled to the Medical Allowance.

6. We have heard the learned counsel for the parties at length have perused the record. We are not impressed by the argument made by the learned Sr. Counsel for the respondents that the Govt. of India Circular dated 26.12.1984 is applicable in the case of the applicant. The circular applies to the employees of Public Sector Undertakings and State Governments on deputation to Central Government. Obviously the applicant was neither an employees of Public

*Amresh
Kumar
Advocate.*

Sector Undertaking nor he was a Sate Govt. employee. The applicant was an employee of Gauhati High Court before he proceeded on deputation. As such the said circular dated 26.12.1984 is not applicable in the case of the applicant. The circular dated 29.4.1988 which is issued under F.R.9(25) refers to the Central Govt. employees on deputation to ex-cadre post under Central Govt. The circular applies to all Central Govt. employees who are regularly appointed on deputation. It deals with all the matters related to deputation. Under this circular the Deputation Allowance is fixed at 5% of basic pay subject to a maximum of Rs. 250/- when the transfer is within same station. In other cases, the Deputation Allowance is 10% subject to a maximum of Rs. 500/-. The terms and conditions of deputation offered to the applicant have not been placed before us. However, it is seen from the written statement filed by the respondents in O.A. No. 84 of 1996 that the Deputation Allowance admissible to the applicant was admitted to be subject to the ceiling of Rs. 500/- p.m. As seen from the Circular dated 29.4.1988, mentioned above, it applies to all Central Govt. employees who are regularly appointed on deputation. The applicant was regularly appointed as P.S. in C.A.T. Patna. The post of P.S. in C.A.T. Patna was undoubtedly a Central Govt. post and by virtue of his appointment, the applicant became a Central Govt. employee. With the view that we have taken, the applicant becomes entitled to the Deputation Allowance @ 10% subject to a maximum of Rs. 500/-. We direct the respondents to pay deputation allowances to the applicant @ 10%

Attn:
W. D. Bar
Advocate.

subject to a maximum of Rs. 500%. In so far as the applicant's claim for special pay is concerned, we are of the view that the same is not admissible Para 7.2 of the circular No.2/12/87-Est.(Pay-II) dated 29.4.1988 is reproduced below:

"Any other special pay drawn by an employee in the parent department should not be allowed in addition to the deputation (duty) allowance provided, however, the Government may, by general or special order, suitably restrict the deputation (duty) allowance where, under special circumstances, the special pay drawn by an officer in a non-tenure post in his parent cadre is allowed to be drawn, in addition to basic pay, in his deputation post. This will require the specific prior concurrence of the Department of Personnel and training."

No order of the competent authority authorising special pay to the applicant has been produced before us. As such the applicant's claim for special pay in addition to Deputation Allowance is not accepted. In fact the Deputation Allowance itself is treated as a special allowance in addition to pay. Similarly, as the applicant was posted at Patna, which was covered under the C.G.H.S. Scheme, the Medical Allowance which he was getting as an employee of the Gauhati High Court, is not admissible to him.

7. Another relief claimed by the applicant is with regard to the fixation of pay w.e.f. 1.11.1990 in terms of FR 22. The applicant had joined as Deputy Registrar w.e.f. 5.11.1990 and opted to draw the Central Pay scale. As the last Pay Certificate was not received he was allowed payment at the minimum of Rs. 3000/- in the pay scale of Rs. 3000-4500/-. In the written statement the respondents have stated that the applicant opted to retain his parent pay scale of

Arrested
V.D.S.
Advocate.

deputation post vide his option dated 15.5.1991. The applicant, on the other hand, submitted that his pay was never fixed either under normal rules or as per O.M. dated 26.12.1984. The applicant's pay was provisionally fixed at Rs. 3000/- whereas his pay should have been based on the revised pay scale of Rs. 2975-4750/- at Rs. 3825/- w.e.f. 1.1.1989 with the next increment on 1.9.1989. It is stated that though the applicant via his letter dated 15.5.1991 had exercised to retain his parent pay scale and withdrew his earlier option for Central pay scale and though order was passed in the file the same was never implemented as in the meanwhile, the applicant had applied for permanent absorption.

8. From the papers filed with the O.A. that service Book record dated 31.10.1990 is reproduced as under:

"The pay of Shri S.P.Singh, Senior Grade Stenographer of this Registry and now on deputation to C.A.T. shall be fixed at Rs. 3825/- on 1.1.89 in the revised scale of Rs. 2975-100-3575-125-3825-EB-125-4450-150-4750/- as recommended by Assam Pay Commission 1988 and accepted by the Govt. of Assam. His date of next increment will fall due on 1.9.89."

Thus even if the submission of the respondents is accepted that the applicant had opted for the parent department pay scale, the applicant's pay had been fixed at Rs. 3825/- on

Attested
W.W.W.
Advocate.

1.1.1989 and the next increment was due on 1.9.1989. Even on the basis of these records the applicant's pay could not have been fixed at the minimum of scale of Rs. 3000-4500/-.

FR 22 lays down the procedure for fixation of pay. As per FR 22(I)(a)(1) "The initial pay in the higher post is to be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued.

9. From the submissions made before us, we find no reason as to why the applicant's pay should not be fixed under FR 22. The respondents are directed to re-fix the applicant's pay w.e.f. 5.1.1990 under FR 22 by taking his pay as Rs. 3950/- in the revised scale of Rs. 2975-4750/-, which he was drawing w.e.f. 1.9.1989. The respondents are also directed to re-fix the applicant's pension and other retirement benefits on the basis of the refixation of pay under FR 22. The respondents shall complete the exercise within three months from the receipt of the order.

The application is allowed to the extent indicated above. There shall, however be no order as to costs.

Sd/- Vice Chairman

Sd/- Member (Admn)

ANURADHA WADHWA
Advocate.

Annexure - 2

S.P. Singh,
Ex-Deputy Registrar (CAT)
3rd Bye-Lane, Tarun Nagar,
Guwahati - 781 005

Dated Guwahati, the 31st Jan' 2002

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench,
Guwahati - 781 005.

Sub : OA No.103/2000 - Suresh Prasad Singh
-Vs-
Union of India & Ors.

Sir,

O.A. N.103/2000 (S.P. Singh -Vs.- Union of India &ors) filed by the undersigned has been allowed by the Hon'ble Tribunal vide its Judgment & Order dated 25.1.2002 and the Hon'ble Tribunal has been pleased to direct the Respondents to complete the exercise within a period of three months from the date of receipt of the order.

2. I would, therefore, request you kindly to do the needful in the matter accordingly. A photo copy of the aforesaid Judgment and order is enclosed herewith for ready reference.

3. In the operative portion of the judgment, it has been directed "to re-fix the applicant's pay w.e.f. 5.11.90 under FR 22 by taking his pay as Rs.3950/- in the revised scale of Rs.2975-4750/-, which he was drawing w.e.f. 1.9.1989". Actually, it should be Rs.4075/- per month with effect from 1.9.90 by raising my Basic Pay from Rs.3950/- to Rs.4075/- per month. In this connection, Office Order No.32/93 issued by the Patna Bench of the Tribunal on 28.9.93 (Annexure-D to the OA 103/2000) may kindly be referred to.

Encl : As stated

Yours faithfully,

Sd/-

(S.P. Singh)

Ex-Deputy Registrar(CAT)
3rd Bye-Lane, Tarun Nagar
Guwahati-781005.

Attested
N.D.S.
Advocate.

FORM NO.4

(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

AT GUWAHATI

ORDER SHEET

Original No. /
Misc. Petition No.67/2002 in O.A. 103/2000
Contempt Petition No.
Review Application No.

Applicant (s) Union of India

Respondent(s) S.P. Singh

Advocate for Applicant(s) B.C. Pathak, Sr. CGSC

Advocate for Respondent(s) B.K. Sharma, S.Sarma

Notes of the Registry : Date : ORDER OF THE TRIBUNAL

17.5.02

Heard Mr. B.C. Pathak, learned
Addl. C.G.S.C. for the Applicants and also
Mr. S. Sarma, learned counsel for the Oppo-
site Party.

This is an application for exten-
sion of time for implementation of the
Judgment and order dated 25.1.2002 in O.A.
No.103/2000. By the above order a time frame
was also given to the Respondents to com-
plete the exercise. In the application it
was stated that the Respondents are awaiting
for approval of the Department of Personnel
and Training. It is needless to say that the

*Attested
by
Advocate.*

aforementioned department was also a party Respondent and the order is equally binding on all. In the circumstances, we do not find any justification for extending the time for implementation of the Judgment and Order. Accordingly, the application stands dismissed.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (A)

*Arrested
N.D.O.M
Advocate.*

General Administrative Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
24 MAR 2003 GUWAHATI BENCH : GUWAHATI.

Guwahati Bench

Contempt Petition No.53/2002

(In Original Application No.103/2000)

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FDR
Date of filing
24/3/03
Addl. C.G.S.C.

IN THE MATTER OF :

Shri Suresh Prasad Singh .. Petitioner

- Versus -

Shri Gautam Ray & Another ... Contemnors.

(Affidavit-in-reply filed by Shri N.J. Joseph on behalf of the respondents/contemnors)

I, Shri N.J. Joseph, son of Late N.T. Joseph aged about 48 years at present working as Deputy Registrar, Central Administrative Tribunal, Guwahati Bench at Guwahati for and on behalf of respondent Nos. 1 to 3, do hereby solemnly affirm and declare as follows :-

1. That the above named petitioner has filed the above noted contempt petition (hereinafter referred as "Petition") and the copy of the same has been served to the then Deputy Registrar Shri R.K. Jain, Central Administrative Tribunal, Guwahati Bench. Shri R.K. Jain has retired on superannuation w.e.f.31.1.2003 and in his place I have assumed the charge as Deputy Registrar of the aforesaid Bench. I have gone through the petition and understood the contents thereof.

2. That the statement made in the petition, which are not specifically admitted, are hereby denied as follows :-

3. That the petitioner of the above noted OA No. 103/2000 approached this Hon'ble Tribunal and the Hon'ble Tribunal after hearing both sides finally decided the matter and passed the final order on 25.1.2002. By the said order the Hon'ble Tribunal directed the respondents to fix the pay of the applicant under FR 22 w.e.f. 5.1.1990 by taking his pay as Rs.3,950/- in the revised scale of Rs.2975-4750/-. By the said order the Hon'ble Tribunal also directed to refix the petitioners' pension and other retirement benefits and this was to be done within a stipulated period from the date of receipt of the order.

A copy of the aforesaid order dated 25.1.2002 is annexed as Annexure-R-1.

4. That after receipt of the said order I being the first authority, took up the matter with the next competent authority i.e. the Registrar, Central Administrative Tribunal, Principal Bench, New Delhi. The authority in New Delhi also took up the matter with the Secretary (P), Ministry of Personnel, Public Grievances and Pensions, New Delhi. In the meantime, however, there was some delay in exhausting the official procedure at different levels and locations. In view of the fact, the competent authority directed me to file a petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench, thereby seeking extension

of time. Accordingly, a Misc. Petition vide MP No.67/2002 was filed and the Hon'ble Tribunal was pleased to pass order on 17.5.2002 and dismissed the same with a speaking order.

A copy of the letter dated 17.4.2002 and copy of the order dated 17.5.2002 are annexed as Annexure-R.2 and 3.

5. That the competent authority, however, took a decision to go for judicial review by filing a ~~sui~~ Writ Petition in the Hon'ble Gauhati High Court and accordingly a Writ Petition has been filed in the Hon'ble Gauhati High Court which was registered as W.P.(c)No.1143/2003 and the same is pending for disposal before the said Hon'ble Gauhati High Court.

In view of the above fact that the matter being subjudiced for judicial review before the competent Court, the respondents/alleged contemners have not done anything illegal which may amount to disobedience of or disregard to the judgment and order passed by this Hon'ble Tribunal.

6. That with regard to the statements made in paragraph 1,2,3,4 and 5 of the petition, I say that these are all matters pertaining to records. Hence, I do not admit anything which are not supported by such records.

7. That with regard to the statements made in para 6,7 and 8, I say that as stated hereinabove, the entire

matter having been taken for judicial review before the Hon'ble Gauhati High Court and the same is being subjudiced before the competent court, the respondents in the OA have not done anything illegal to deprive the legitimate claims, if any, of the petitioner. There could not be any illegality in pursuing the exhausting the legal remedies available to the respondents. Hence, the contempt petition is liable to be dismissed as baseless.

8. That with regard to the statement made in paragraph 9 and 10 and the prayer portion of the petition, I say that under the facts and circumstances of the case there is no wilful disobedience to the order passed by the Hon'ble Tribunal.

9. That I also respectfully submit that in case this Hon'ble Tribunal come to find that I am otherwise liable for contempt of Court, in that case I hereby extend my unqualified apology for such casual non-compliance of the matter.

10. That the statements made in para ...^{1,2,5 to 9}.....
.....are true to my knowledge, those made in para ...^{3 and 4}.....being matters of record, are true, derived therefrom the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material fact and I sign this on ^{24/3} day of March, 2003, at Guwahati.


Deponent

Contd. 5.

(23)

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- 5 -

Identified by me

Debainarayan Bhattacharya
21/3/03
Advocate

Solemnly affirmed and signed
before me by the deponent, which
is identified by Shri *B.C. Pathak*
....., Advocate on
24.3.2003 day of March, 2003, at
Guwahati.

Amrit
Magistrate/Advocate.

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(2M) Annexure - R-1

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.103 of 2000.

Date of Order : This the 25th of January, 2002.

THE HON'BLE MR.JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

Suresh Prasad Singh
S/O Late Munshi Prasad Singh
Resident of 3rd Bye-Lane
Tarun Nagar, Dispur
Guwahati-781005
District : Kamrup (Assam).

... . Applicant.

By Mr.B.K.Sharma, Sr.Advocate & Mr.S.Sarma.

Versus -

1. Union of India

Represented by the Secretary to the
Government of India, Department of Personnel
Training, Public Grievances etc., North Block
New Delhi-110 001.

2. The Registrar

Central Administrative Tribunal
Principal Bench
Faridkot House, Copernicus Marg
New Delhi- 110 001.

3. The Registrar

Central Administrative Tribunal
Guwahati Bench
Guwahati-781 005.

4. The Registrar

Central Administrative Tribunal
Patna Bench
SSA, Sri Krishna Nagar
Patna - 800 001.

... . Respondents.

By Mr.B.C.Pathak, Addl.C.G.S.C.

O R D E R

K.K.SHARMA, ADMN.MEMBER :

In this application under Section 19 of the
Administrative Tribunals Act, 1985 the applicant has
claimed the following reliefs :

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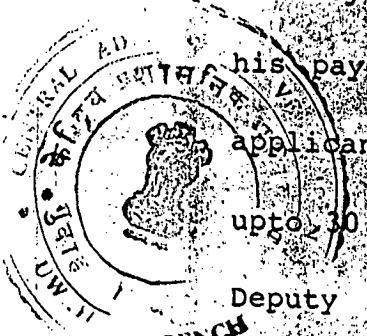
I. Deputation Allowance @ 10% subject to a maximum of Rs500/- w.e.f.11.12.89 to 30.10.1990.

II. Payment of Special pay of Rs100/- and Medical Allowance of Rs.100/- w.e.f.11.12.1989 to 30.10.1990.

III. Fixation of pay w.e.f.1.11.1990 under FR 22.

IV. Payment of arrears of pay and revision of pensionary benefits.

The applicant was working as Senior Grade Stenographer in the pay scale of Rs.1200-50-1450-EB-60-2050/- in the Gauhati High Court. The applicant joined as Private Secretary in the Patna Bench of Central Administrative Tribunal on 1.12.1989. While working as Private Secretary the applicant opted to draw his pay in the pay scale of his parent department. The applicant worked as Private Secretary in the said Bench upto 30.10.1990 when he was released to join the post of Deputy Registrar in the Guwahati Bench of Central Administrative Tribunal. The applicant joined as Deputy Registrar in the Guwahati Bench of Central Administrative Tribunal on 5.11.1990. As Deputy Registrar in the Guwahati Bench of the Tribunal the applicant opted for the Central pay scale. The applicant was allowed to draw the basic pay of Rs.3000/- in the pay scale of Rs.3000-4500/- on joining as Deputy Registrar though the applicant was drawing basic pay of Rs.3950/- in his parent department.



2. The applicant's claim to the Deputation Allowance at 10% of pay subject to a maximum of Rs.500/- is

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based on the Govt. of India Office Memorandum No. 6/20/86-Estt(Pay)-II dated 9.12.1986 and 4.6.1987. It is also stated that as the applicant was drawing a special pay of Rs.100/- p.m. while working as Private Secretary in the Gauhati High Court and as the same was treated as basic pay in the parent department the applicant is entitled to the same. The applicant was also drawing a Medical Allowance @ 100/- p.m. while working in the Gauhati High Court. While working in the Patna Bench of Central Administrative Tribunal the applicant did not avail of C.G.H.S. facility and he is entitled to Rs.100/- p.m. which he was drawing as Medical Allowance in his in his parent department.

The applicant has challenged his fixation of pay at the minimum scale of Deputy Registrar i.e. Rs.3000/- while the applicant was drawing higher pay in the scale of Rs.2975-4750/-. It is stated that on account of wrong fixation of pay as Deputy Registrar the applicant continued to draw the provisional pension. The applicant had filed an application before this Tribunal being O.A.No.84 of 1996 for redressal of his grievances. The application was disposed of by an order dated 20.4.1999 directing the respondents to consider the case of the applicant and to dispose of the same by a reasoned order.

The applicant submitted a fresh representation dated 26.4.1999 stating his grievances which was disposed of by an order dated 6.10.1999 (Annexure-I to the O.A.). Still

being aggrieved the applicant has filed this application.

4. Mr.B.K.Sharma, learned Sr.counsel appeared on behalf of the applicant and elaborated the argument made in the application. The main submission of the learned counsel for the applicant was that the respondents had wrongly rejected the claim of the applicant for Deputation Allowance relying on Govt. of India Office Memorandum No.1/4/84-Est.(P-II) dated 26.12.1984. Under this O.M. the Deputation Allowance of employees of Public Sector Undertakings and State Govt. on deputation to Govt. of India is restricted to 10% of the grade pay subject to a maximum of Rs.250/- . The learned Sr.counsel submitted that in para 17 of the written statement filed in O.A. 84 of 1996 the respondents had admitted that Deputaion Allowance which the applicant was entitled was @ 10% subject to a ceiling of Rs.500/- p.m. He relied on Govt. of India O.M.No.2/12/87-Est.(Pay-II) dated 29.4.1988 to support his claim of Deputation Allowance @ 10% subject to a maximum of Rs.500/- p.m. He also submitted that as special pay was part of the applicant's pay in his parent department the same was also to be paid to the applicant. The claim for Medical Allowance was also supported on the same ground. Mr.Sharma referred to the Service Book entry dated 24.4.1991 regarding the fixation of pay of the applicant.

5. The respondents have filed written statement. Mr.B.C.Pathak, learned Addl.C.G.S.C. appearing for the respondents supported the argument made in the written

statement. The main thrust of his argument was that as the applicant had joined on deputation from Gauhati High Court he was governed by the Circular of 1984 which applied to the employees of Public Sector Undertakings and State Governments on deputation to the Central Government. He argued that the Circular of 1988 does not apply to the applicant as it is applicable to the Central Government employees going ^{on} deputation to other departments. It was argued by the learned Addl.C.G.S.C. that as the applicant was paid Deputation Allowance he was not entitled to the payment of special pay. As the C.G.H.S. Scheme was applicable to the Central Government employees in Patna the applicant was also not entitled to the Medical Allowance.

6. We have heard the learned counsel for the parties at length and have perused the record. We are not impressed by the argument made by the learned Sr.Counsel for the respondents that the Govt. of India Circular dated 26.12.1984 is applicable in the case of the applicant. The circular applies to the employees of Public Sector Undertakings and State Governments on deputation to Central Government. Obviously the applicant was neither an employee of Public Sector Undertaking nor he was a State Govt. employee. The applicant was an employee of Gauhati High Court before he proceeded on deputation. As such the said circular dated 26.12.1984 is not applicable in the case of the applicant. The circular dated 29.4.1988 which is issued under F.R.9 (25) refers to

10/1/1988

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the Central Govt. employees on deputation to ex-cadre post under Central Govt. The circular applies to all Central Govt. employees who are regularly appointed on deputation. It deals with all the matters related to deputation. Under this circular the Deputation Allowance is fixed at 5% of basic pay subject to a maximum of Rs.250/- when the transfer is within same station. In other cases, the Deputation Allowance is 10% subject to a maximum of Rs.500/- The terms and conditions of deputation offered to the applicant have not been placed before us. However, it is seen from the written statement filed by the respondents in O.A.84 of 1996 that the Deputation Allowance admissible to the applicant was admitted to be subject to the ceiling of Rs. 500/- p. m. As seen from the Circular dated 29.4.1988, mentioned above, it applies to all Central Govt. employees who are regularly appointed on deputation. The applicant was regularly appointed as P.S. in C.A.T. Patna. The post of P.S. in C.A.T. Patna was undoubtedly a Central Govt. post and by virtue of his appointment, the applicant became a Central Govt. employee. With the view that we have taken, the applicant becomes entitled to the Deputation Allowance @ 10% subject to a maximum of Rs.500/-. We direct the respondents to pay deputation allowance to the applicant @ 10% subject to a maximum of Rs.500/-. In so far as the applicant's claim for special

Contd.. 7

pay is concerned, we are of the view that the same is not admissible. Para 7.2 of the circular No. 2/12/87-Est. (Pay-II) dated 29.4.1988 is reproduced below :

" Any other special pay drawn by an employee in the parent department should not be allowed in addition to the deputation (duty) allowance provided, however, the Government may, by general or special order, suitably restrict the deputation (duty) allowance where, under special circumstances, the special pay drawn by an officer in a non-tenure post in his parent cadre is allowed to be drawn, in addition to basic pay, in his deputation post. This will require the specific prior concurrence of the Department of Personnel and Training."

No order of the competent authority authorising special pay to the applicant has been produced before us. As such

the applicant's claim for special pay in addition to Deputation Allowance is not accepted. In fact the

Deputation Allowance itself is treated as a special allowance in addition to pay. Similarly, as the applicant was posted at Patna, which was covered under the C.G.H.S.

Scheme, the Medical Allowance which he was getting as an employee, of Gauhati High Court, is not admissible to him.

7. Another relief claimed by the applicant with regard to the fixation of pay w.e.f.1.11.1990 in terms of FR 22. The applicant had joined as Deputy Registrar w.e.f.5.11.1990 and opted to draw the Central Pay scale. As the last Pay Certificate was not received he was allowed payment at the minimum of Rs.3000/- in the pay

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pay scale of Rs.3000-4500/- In the written statement the respondents have stated that the applicant opted to retain his parent pay scale of deputation post vide his option dated 15.5.1991. The applicant, on the otherhand, submitted that his pay was never fixed either under normal rules or as per O.M. dated 26.12.1984. The applicant's pay was provisionally fixed at Rs.3000/- whereas his pay should have been fixed ^{based U} on the revised pay scale of Rs.2975-4750/- at ^Uw.e.f.1.1.1989 with the next increment on 1.9.1989. It is stated that though the applicant vide his letter dated 15.5.1991 had exercised to retain his parent pay scale and withdrew his earlier option for Central pay scale and though order was passed in the file the same was never implemented as in the meanwhile, the applicant had applied for permanent absorption.

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BENCH
From the papers filed with the O.A. the "Service Book" record dated 31.10.1990 is reproduced as under:

"The pay of Shri S.P.Singh, Senior Grade Stenographer of this Registry and now on deputation to C.A.T. shall be fixed at Rs.3825/- on 1.1.89 in the revised scale of Rs.2975-100-3575-125-3825-EB-125-4450-150-4750/- as recommended by Assam Pay Commission 1988 and accepted by the Govt. of Assam. His date of next increment will fall due on 1.9.89."

Thus, even if the submission of the respondents is accepted that the applicant had opted for the parent department pay scale, the applicant's pay had been fixed

IC (Usha)

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at Rs.3825/- on 1.1.1989 and the next increment was due on 1.9.1989. Even on the basis of these records the applicant's pay could not have been fixed at the minimum of scale of Rs.3000-4500/-. FR 22 lays down the procedure for fixation of pay. As per FR 22(I)(a)(1)

"The initial pay in the higher post is to be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued.

9. From the submissions made before us, we find no reason as to why the applicant's pay should not be fixed under FR 22. The respondents are directed to re-fix the applicant's pay w.e.f. 5.12.1990 under FR 22 by taking his pay as Rs.3950/- in the revised scale of Rs.2975-4750/-, which he was drawing w.e.f. 1.9.1989. The respondents are also directed to re-fix the applicant's pension and other retirement benefits on the basis of the refixation of pay under FR 22. The respondents shall complete the exercise within three months from the receipt of the order.

The application is allowed to the extent indicated above. There shall, however, be no order as to costs.

TRUE COPY

महाराष्ट्र

31/01/02

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Admin)

Section Officer (C)
from 01/01/02
with Administ. Dept.
Central Govt.
Central Govt.
Central Govt.
Central Govt.
Central Govt.

30/1/2002



सरकारी जारी

केन्द्रीय प्रशासनिक अधिकरण COURT CASE

CENTRAL ADMINISTRATIVE TRIBUNAL

Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Principal Bench, New Delhi

357

Guwahati Bench.
गुवाहाटी बायामबाट

Faridkot House, Copernicus Marg,
New Delhi - 110 001

Dated: 17.04.2002

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench,
GUWAHATI.

Sub : O.A. No.103/2000 - filed by Sh.S.P.Singh Vs. UOI & Ors.
before Guwahati Bench of CAT - reg.

Sir,

I am directed to refer to this office letter of even number dated 19.03.2002 on the subject noted above and to say that DOP&T has intimated that the matter regarding implementation of the orders passed by the Guwahati Bench of Tribunal in the above mentioned OA has been referred to the Estt. Division of DOP&T and that the decision as to whether the order is to be implemented or a writ appeal is to be filed against it will take some more time. Thus, DOP&T has requested to seek sufficient extension of time from the Hon'ble Tribunal in the matter. A copy of the DOP&T letter No.P.26012/8/2000-AT dated 8.4.2002 is attached herewith for taking necessary action at your end.

Yours faithfully,

(ANIL SRIVASTAVA)
Deputy Registrar (E)

Encl: As above

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Annexure - R-2

011-30151401 (E.C.)
011-4024621 (L.N.B.)
011-4360862 (Trig. Div.)
011-4361230 (P.E.S.B.)
Telex : 62826 (N.B.)
66366 (Trig. Div.)

भारत सरकार
GOVERNMENT OF INDIA
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
कार्मिक और प्रशिक्षण विभाग
DEPARTMENT OF PERSONNEL AND TRAINING
नई दिल्ली
NEW DELHI

MOST IMMEDIATE
COURT CASE

No. P-26012/8/2000-AT

Dated: 8.4.2002

To

The Principal Registrar,
Central Administrative Tribunal,
Principal Bench, Faridkot House,
Copernicus Marg, New Delhi.

Subject:-O.A. No.103/2000 filed by Shri. S.P. Singh Versus Govt. and Ors. before Guwahati Bench of the CAT on the

Sir

1. I am directed to refer to your letter Nos. PB/4/4/2000-R dated 05.03.2002 and 19.03.2002 on the above subject and to say that the file has been referred to the Establishment Division of this Department for advice as to whether the orders of the Guwahati Bench of CAT in the above case is to be implemented or a writ appeal is to be filed against it. The same is still awaited and appears that it will take some more time. The decision taken in the matter will be communicated to you as early as possible.

2. You are, therefore, requested to seek sufficient extension of time from the Hon'ble Tribunal for implementation/filing of writ appeal.

Yours faithfully,

(B.S.A. Padmanabha)

Under Secretary to the Govt. of India
Tel. No. 3016144

CAT (PB) New Delhi
Date: 18/4/2002

1835/Re -

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Annexure - R-3
✓

FORM NO. 4

(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH,
GUWAHATI.

ORDER SHEET

Original No.

Misc. Petition No. 67/2002 in O.A. 103/2000

Contempt Petition No.

Review Application No.

Applicant(s) Union of India

Respondent(s) S.P. Singh

Advocate for Applicant(s) B.C. Pathak, Sr. CGSC

Advocate for Respondent(s) B.K. Sharma, S. Sharma

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

17.5.02

Heard Mr. B.C. Pathak, learned Addl. C.G.S.C. for the Applicants and also Mr. S. Sarma, learned counsel for the Opposite party.



This is an application for extension of time for implementation of the Judgment and order dated 25.1.2002 in O.A. No. 103/2000. By the above order a time frame was also given to the Respondents to complete the exercise. In the application it was stated that the Respondents are awaiting for approval of the Department of Personnel and Training. It is

Contd.../-

It is needless to say that the aforementioned department was also a party Respondent and the order is equally binding on all. In the circumstances, we do not find any justification for extending the time for implementation the Judgment and order. Accordingly, the application stands dismissed.

sd/ VICE CHAIRMAN
sd/ MEMBER (A)

TRUE COPY

क्रमिकी

Section Officer (J)
ग्राम्य अधिकारी (संचालक अधिकारी)
Central Administrative Tribunal
ग्राम्य अधिकारी कार्यालय
Inwahar Beach, Gujarat
ग्राम्य अधिकारी कार्यालय, गुजरात

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**
CONTÉMPT PETITION NO.53/2002
IN
ORIGINAL APPLICATION NO.103/2000

Tiled bin:

(B. C. Pathak) - 515
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench: Guwahati

IN THE MATTER OF :

SHRI SURESH PRASAD SINGH

.....Petitioner

VERSUS

SECRETARY, DOP&T & OTHERS

....Contemnors

**(Affidavit-in-reply filed by Shri S.S. Dawra on behalf of the respondent/contemnor
No.1)**

I, S.S. Dawra, son of Late Shri B.R. Dawra age about 59 years at present working as Secretary, Department of Personnel & Training, New Delhi, do hereby solemnly affirm and declare as under:-

1. That initially the Department of Personnel and Training was not arrayed as one of the parties in the Contempt Petition. However, later on an application moved by the petitioner, the Hon'ble Tribunal vide its order dated 22.11.2002 passed in MA 151/2002 in CP 53/2002 in OA 103/2000, was pleased to implead Shri A.R. Agarwal, Secretary, DOPT as party respondent No.1. In fact Shri Ajay Agarwal who was earlier the Secretary, DOP&T, had retired on superannuation on 30.11.2002 and in his place I have assumed the charge as Secretary, Department of Personnel & Training, New Delhi. I have gone through the Petition and understood the contents thereof.

2. That the above named petitioner has filed the above noted Contempt Petition (hereinafter referred as Petition) and the copy of the same has been served on the Department of Personnel & Training.

3. That as of now a decision has been taken by the Government in the Department of Personnel & Training to implement the orders dated 25.01.2002 passed by this Hon'ble Tribunal in OA No.103/2000 in the matter of Shri S.P. Singh Vs. Union of India and Others and orders to the Principal Registrar, Central Administrative Tribunal to this effect has been issued on 17.04.2003 [Annexure R-1].



(S. S. DAWRA)
Secretary
Min. of Barguarnet, P.G. & Pensions
Government of India
New Delhi

4. In this view of the matter, it is respectfully prayed to this Hon'ble Tribunal kindly to drop the contempt proceedings as my Department has already directed the respondent No.2, the Principal Registrar, Central Administrative Tribunal, New Delhi to implement the order dated 25.01.2002 passed by this Hon'ble Tribunal.

5. That it is also respectfully submitted that in case this Hon'ble Tribunal comes to find that I am otherwise liable for contempt of Court, in that case I hereby extend my unqualified apology for such inadvertent non-compliance of the matter.

That the statements made in paras 1 to 4 are true to my knowledge. I have not suppressed any material fact and I sign this on 21st day of April, 2003.

S. Dawra
DEPONENT

Identified by

(S. S. DAWRA)
Secretary
Min. of Personnel, P.G. & Pensions
Government of India
New Delhi.

Solemnly affirmed and signed before me
by the deponent, which is identified by
Shri _____
on 21st day of April, 2003 at New
Delhi.



Pratam Singh
MAGISTRATE
PRITAM SINGH
Deputy Registrar
Central Administrative Tribunal
Principal Bench, New Delhi
and
Executive Magistrate
DELHI

3
81. No. 47(2)

(33)

Annexure R-1

405
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Most Immediate
Contempt Case
By Hand

Government of India
Ministry of Personnel, Public Grievances and Pensions,
Department of Personnel & Training

F. No. P-26012/8/2000/AT

dated 17-04-2003

To

2

The Principal Registrar,
Principal Bench,
Central Administrative Tribunal,
Copernicus Marg,
New Delhi.

Letter → 23.4.003

Subject: O.A. No.103/2000 by Shri S.P. Singh Vs. Union of India & Other
in Guwahati Bench of CAT.

Sir,

I am directed to refer to your letter No. PB/4/4/2000-R(Vol.II) dated 08.04.2003 and to say that the directions of the Hon'ble Tribunal, Guwahati Bench contained in para 9 of their order dated 25th January, 2002 in O.A. No.103 of 2000 filed by Shri S.P. Singh may be implemented immediately and necessary orders issued before 24.04.2003 and the Hon'ble Tribunal accordingly informed with reference to the Contempt Petition No.53/2002 filed by Shri S.P. Singh in the Guwahati Bench of CAT.

2. A revised counter affidavit in the contempt petition may be sent to this Department bringing this fact **immediately** in the name of Secretary (P) so as to enable him to file the same before the next dated i.e. 24.04.2003 before the Hon'ble Tribunal, Guwahati Bench. The writ petition in Guwahati High Court which becomes infructuous may, therefore, be withdrawn.

3. This issues with the approval of Secretary(P).

Yours faithfully,

ok

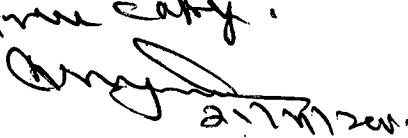

(B.S.A. Padmanabha)

17/4/03

Under Secretary to the Government of India
TelNo.23094142.

Substituted

True copy.



Daya Rana

अनुभाग अधिकारी

Section Officer

वैनिय प्रशासनिक अधिकरण

Central Administrative Tribunal

न स्याद्वाट, पर्सिकोट, हाउस

Central Market House

नो. 110001

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

MAY CONTEMPT PETITION NO.53/2002
IN
ORIGINAL APPLICATION NO.103/2000
Guwahati Bench

IN THE MATTER OF

SHRI SURESH PRASAD SINGH

....Petitioner

Versus

SECRETARY, DOP&T & OTHERS

....Contemnors

(Affidavit-in-reply filed by Shri Gautam Ray respondent/
alleged contemnor No.2)

I, Shri Gautam Ray, son of Late Shri N.K. Ray aged about 56 years at present working as Principal Registrar, Central Administrative Tribunal, Principal Bench, New Delhi, do hereby solemnly affirm and declare as under:-

1. That the above named petitioner has filed the above noted Contempt Petition (hereinafter referred as Petition) and the copy of the same has been served. I have gone through the Petition and understood the contents thereof.

2. That the respondent no.2 has received a communication from respondent no.1 on 17.4.2003 conveying the decision of the Union of India to implement the directions contained in the orders dated 25.1.2002 passed by this Tribunal in OA No.103/2000 in the matter of Shri S.P. Singh Vs. Union of India and Others. A copy of the communication received from the respondent no.1 dated 17.4.2003 is annexed herewith at Annexure R/I.

3. That the respondent no.2 soon after receipt of the communication from respondent no.1 has addressed a communication to respondent no.3, Deputy Registrar, Guwahati Bench, to take immediate steps to issue orders in implementation of the directions contained in the judgement dated 25.1.2002. Orders are being issued shortly. A copy of letter addressed to respondent no.3 is annexed herewith at Annexure R/II.



13. 05. 03
T.B. & P.R. K. S. Nanda
Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

Gautam Ray
Principal Registrar
Central Administrative Tribunal

4. In this view of the matter, it is respectfully prayed to this Hon'ble Tribunal to drop the contempt proceedings as the orders of this Hon'ble Tribunal are being implemented fully in letter and spirit.

5. That I also respectfully submit that in case this Hon'ble Tribunal comes to find that I am otherwise liable for contempt of Court, in that case I hereby tender unqualified apology for the same.

That the statements made in paras 1 to 4 are true to my knowledge. I have not suppressed any material fact and I sign this on 22nd day of April, 2003.

Identified by

Santosh Ray
DEPONENT
GAUTAM RAY
Principal Registrar
Central Administrative Tribunal
Principal Bench, New Delhi

Solemnly affirmed and signed
before me by the deponent, which
is identified by Shri —
----- on 22nd
day of April, 2003 at New Delhi.



Pratam Singh
Magistrate
PRITAM SINGH
Deputy Registrar
Central Administrative Tribunal
Principal Bench, New Delhi
and
Executive Magistrate
DELHI

Most Immediate
Contempt Case
By Hand

Government of India
Ministry of Personnel, Public Grievances and Pensions,
Department of Personnel & Training

No. P-26012/8/2003-AT
To

dated 17-04-2003

The Principal Registrar,
Principal Bench,
Central Administrative Tribunal,
Copernicus Marg,
New Delhi.

Subject: O.A. No.103/2000 by Shri S.P. Singh Vs. Union of India & Other
in Guwahati Bench of CAT.

Sir,

I am directed to refer to your letter No. PB/4/4/2000-R(Vol.II) dated 08.04.2003 and to say that the directions of the Hon'ble Tribunal, Guwahati Bench contained in para 9 of their order dated 25th January, 2002 in O.A. No.103 of 2000 filed by Shri S.P. Singh may be implemented immediately and necessary orders issued before 24.04.2003 and the Hon'ble Tribunal accordingly informed with reference to the Contempt Petition No.53/2002 filed by Shri S.P. Singh in the Guwahati Bench of CAT.

2. A revised counter affidavit in the contempt petition may be sent to this Department bringing this fact **immediately** in the name of Secretary (P) so as to enable him to file the same before the next dated i.e. 24.04.2003 before the Hon'ble Tribunal, Guwahati Bench. The writ petition in Guwahati High Court which becomes infructuous may, therefore, be withdrawn.

3. This issues with the approval of Secretary(P).

ABSENT
true copy
Daya Ram
21/4/2003

दया राम/Daya Ram

अनुभाग अधिकारी

Section Officer

संघीय प्रशासन अधिकरण

1. अधिकारी वर्षे Tribunal
2. अनुभाग अधिकारी वर्षे अकादमी, एडजेस
3. अधिकारी वर्षे अधिकारी वर्षे अकादमी, एडजेस
4. अधिकारी वर्षे अधिकारी वर्षे अकादमी, एडजेस

Yours faithfully,

B.S.A. Padmanabha

(B.S.A. Padmanabha) 17/4/2003

Under Secretary to the Government of India
TelNo.23094142.



केन्द्रीय प्रशासनिक अधिकरण
 CENTRAL ADMINISTRATIVE TRIBUNAL FAX
 प्रधान न्यायपीठ, नई दिल्ली
 Principal Bench, New Delhi

Faridkot House, Copernicus Marg
 New Delhi-110 001

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Dated : 21.4.2003

To

The Registrar
 Central Administrative Tribunal
 Guwahati Bench, Rajgarh Road,
 Bhangagarh,
 Guwahati-781005.

Subject : Contempt Petition No.53/2002 in OA No.103/2000
- S.P. Singh Vs. Union of India and Ors. - before
Guwahati Bench of the Tribunal.

Sir,

I am directed to refer to your letter No.53/03/Estt/2003 dated 10.4.2003 on the subject mentioned above and to forward herewith a copy of the communication No.P-26012/8/2000 - AT dated 17.4.2003 received from the DOP&T and to request that immediate steps may be taken at your end to implement the orders of the Hon'ble Tribunal of the Guwahati Bench dated 25.1.2002 in OA No.103/2000 in the matter of S.P. Singh Vs. Union of India and Ors. and necessary orders be issued before 24.4.2003 under intimation to us.

It is also requested that the Hon'ble Tribunal may accordingly be informed of the aforesaid decision with respect to the Contempt Petition No.53/2003 filed by Shri S.P. Singh in the Guwahati Bench of the CAT. The revised affidavit in Contempt Petition bringing these facts on record have been drafted and are forwarded herewith. You may file the same through the Govt. counsel before the next date of hearing, i.e., 26.4.2003.

This may kindly be treated as most urgent.

Having regard to these changed circumstances, you are also requested to take steps on priority basis to withdraw the Writ Petition filed before the Hon'ble Guwahati High Court - Union of India Vs. Shri S.P. Singh.

Yours faithfully,

Anil Srivastava

(ANIL SRIVASTAVA)

Deputy Registrar (Estt.)

Ambedkar

Term copy.

On 21/4/2003

दया राम/Daya Ram As above

अनुभाग अधिकारी

Section ~~प्रियोग~~ to : Shri Budh Prakash, Director to
 वेन्द्रीय प्रशासनिक अधिकरण the Govt. of India, Department of Personnel
 Central Administrative Tribunal and Training, (AT Division), North Block,
 इन्द्र नदीयपीठ, नई दिल्ली, New Delhi. This is with response to their
 Principal Bench letter dated 17.4.2003.
 (New Delhi-110001)

(ANIL SRIVASTAVA)
 Deputy Registrar (Estt.)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH, GUWAHATI
 केन्द्रीय नियन्त्रिका बोर्ड
 General A. CONTEMPT PETITION NO.53/2002
 IN
 MORIGINAL APPLICATION NO.103/2000
 IN THE MATTER OF
 Guwahati Bench
 SHRI SURESH PRASAD SINGH

Versus

SECRETARY, DOP&T & OTHERS

....Contemnors

(Affidavit-in-reply filed by Shri N.J. Joseph on behalf of the respondents/contemnor No.3)

I, Shri N.J. Joseph, son of Late Shri N.T. Joseph aged about 48 years at present working as Deputy Registrar, Central Administrative Tribunal, Guwahati Bench at Guwahati, for and on behalf of respondents no.3, do hereby solemnly affirm and declare as follows:-

1. That the respondent no.2, Principal Registrar, Central Administrative Tribunal, Principal Bench, New Delhi has addressed a communication to respondent no.3 to implement the directions contained in the orders dated 25.1.2002 passed by this Hon'ble Tribunal in OA No.103/2000 in the matter of Shri S.P. Singh Vs. Union of India and Others. A copy of the letter received from respondent no.2 is annexed herewith at Annexure R/1.
2. That having regard to the directions received from the respondent no.2, which directions are based on the advise received from the respondent no.1 steps have already been taken to issue the orders to refix the applicant's pay w.e.f. 5.11.1990 under FR 22 by taking his pay as Rs.3950/- per month in the scale of pay of Rs.2975-4750 which pay he was drawing w.e.f. 1.9.1989. Orders to this effect have been issued and a copy of that orders are annexed at Annexure R/2.

Addl. Central Govt. Standing Counsel
 C.P.C. - Pth. k
 General Application No. 53/02
 Central Adminstrative Tribunal
 Guwahati Bench: Guwahati
 N.J. JOSEPH
 Deputy Registrar
 Central Administrative Tribunal
 Guwahati Bench

(B9)

✓

3. That the case relating to fixation of the pension of the applicant and other retiral benefits on the basis of the refixation of his pay under FR 22 are also being taken soon after issuance of the orders relating to fixation of pay under FR 22.

4. In this view of the matter, it is respectfully prayed to this Hon'ble Tribunal to drop the contempt proceedings as the orders of this Hon'ble Tribunal have been implemented fully in letter and spirit.

5. That I also respectfully submit that in case this Hon'ble Tribunal comes to find that I am otherwise liable for contempt of Court, in that case I hereby tender unqualified apology for the same.

That the statements made in paras 1 to 4 are true to my knowledge. I have not suppressed any material fact and I sign this on May day of April, 2003.

Identified by

Q. Sengupta
INDEPENDENT
Deputy Registrar
Central Administrative Tribunal
Guwahati Bench
Guwahati

Solemnly affirmed and signed
before me by the deponent, which
is identified by Shri _____

----- on _____
day of May, 2003 at New Delhi (Guwahati)

Magistrate



केन्द्रीय प्रशासनिक अधिकरण
CENTRAL ADMINISTRATIVE TRIBUNAL FAX
प्रधान न्यायमीठ, नई दिल्ली
Principal Bench, New Delhi

Faridkot House, Copernicus Marg
New Delhi-110 001

Dated : 21.4.2003

To

The Registrar
Central Administrative Tribunal
Guwahati Bench, Rajgarh Road,
Bhangaghat,
Guwahati-781005.

Subject : Contempt Petition No.53/2002 in OA No.103/2000
- S.P. Singh Vs. Union of India and Ors. - before
Guwahati Bench of the Tribunal.

Sir,

I am directed to refer to your letter No.53/03/Estt/2003 dated 10.4.2003 on the subject mentioned above and to forward herewith a copy of the communication No.P-26012/8/2000 - AT dated 17.4.2003 received from the DOP&T and to request that immediate steps may be taken by your Govt. to implement the orders of the Hon'ble Tribunal of the Guwahati Bench dated 26.1.2002 in OA No.103/2000 in the matter of S.P. Singh Vs. Union of India and Ors. and necessary orders be issued before 24.4.2003 under intimation to us.

It is also requested that the Hon'ble Tribunal may accordingly be informed of the aforesaid decision with respect to the Contempt Petition No.53/2003 filed by Shri S.P. Singh in the Guwahati Bench of the CAT. The revised affidavit in Contempt Petition bringing these facts on record have been drafted and are forwarded herewith. You may file the same through the Govt. counsel before the next date of hearing, i.e., 25.4.2003.

This may kindly be treated as most urgent.

Having regard to these changed circumstances, you are also requested to take steps on priority basis to withdraw the Writ Petition filed before the Hon'ble Guwahati High Court - Union of India Vs. Shri S.P. Singh.

Yours faithfully,

Anil Srivastava

(ANIL SRIVASTAVA)
Deputy Registrar (Estt.)

Arvind
True copy

Done on 27/4/2003

Encl.: As above
दया राम/Deya Ram

केन्द्रीय प्रशासनिक अधिकरण
Section Officer, the Govt. of India, Department of Personnel
केन्द्रीय प्रशासनिक अधिकरण
Training, (AT Division), North Block,
New Delhi. This is with response to their
at Administrative Tribunal
Department letter dated 17.4.2003.
प्रधान न्यायमीठ, नई दिल्ली

(ANIL SRIVASTAVA)
Deputy Registrar (Estt.)

No. GP/53/2002-Estt.
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Rajgarh Road, Bhangagarh,
Guwahati-781 005.

Dated Guwahati, the 2nd May, 2003.

OFFICE ORDER

In implementation of the judgment and order dated 25.1.2002 passed in C.A. NO.103/2000 by the Hon'ble Guwahati Bench of the Central Administrative Tribunal in the pay fixation matter of Shri S.P. Singh Vs. Union of India & Others, the competent authority is pleased to issue the following orders with immediate effect :-

1. Shri S.P. Singh, ex-Deputy Registrar of the Guwahati Bench of the Central Administrative Tribunal is entitled to draw the deputation allowance @ 10% subject to maximum of Rs.500/- w.e.f.11.12.1989 to 30.10.1990 while he was working as Private Secretary in the Patna Bench of the Central Administrative Tribunal. He was drawing the pay scale of the parent department during the aforesaid period of deputation as Private Secretary at Patna Bench.
2. The pay of Shri S.P. Singh, ex-Deputy Registrar is hereby re-fixed as per FR-22 (I)(a)(i) as under :-

Scale of pay of his parent department (Gauhati High Court) is Rs.2975-100-3575-125-3825-EB-125-4450-150-4750/-.

Pay in parent scale as on 1.9.89 at Rs.3950/- with
DNI 1.9.90.

Pay scale of the Deputy Registrar in CAT is Rs.3000-100-3500-125-4500/- (Pre-revised).

Therefore, pay as on 1.9.89 Rs 2050/-

Increment w.e.f.

1.781 cm)

125.00

~~125.00~~

4075.00

Pay fixed as on 5.11.80 4075.00

as per EIS-22(I)(a)(i)

with $D \in \mathbb{R}^{n \times n}$

WERNER BERNHARD (H. 1.11.91).

Contd.2.

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He is entitled to payment of arrears of pay and revision of pensionary benefits etc. accordingly. Further increments after this fixation shall be payable as per rules.

(N.J. JOSEPH)
DEPUTY REGISTRAR

Copy to :-

1. The Secretary (P), Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, New Delhi. This refers to the two letter no.P.26012/8/2000-AT dated 17.4.2003 and 23.4.2003.
2. The Principal Registrar, Central Administrative Tribunal, Principal Bench, Faridkot House, Copernicus Marg, New Delhi-110 001. This refers to the letter no.PB/4/4/2000-B dated 30.4.2003.
3. The Registrar, Central Administrative Tribunal, Patna Bench, No.8, Srikrishna Nagar, Patna-800 001 with a request to prepare the due and drawn statement for payment of the arrear of deputation allowance during the period from 11.12.89 to 30.10.90 and transmit the same to the Guwahati Bench to enable them to make the payment.
4. The FA & CAO, Central Administrative Tribunal, B-2, W.M. Curzon Road Barracks, K.G. Marg, New Delhi-1.
5. The Pay & Accounts Officer, Central Administrative Tribunal, C-I, Delhousie Road, New Delhi-1.
6. Shri S.P. Singh, Bye Lane No.3, Tarun Nagar, Guwahati.
7. The Accounts Officer, Central Administrative Tribunal, Guwahati Bench, Guwahati for necessary action.
8. The FS to the Hon'ble Vice-Chairman, CAT, Guwahati Bench.
9. SO/CO, CAT, Guwahati Bench, CAT.

(N.J. JOSEPH)
DEPUTY REGISTRAR