

**Central Administrative Tribunal
Principal Bench, New Delhi**

**CP No. 134/2015
O.A. No.3564/2013**

New Delhi this the 21st day of April, 2016

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. B.K. Sinah, Member (A)**

Asha S. Kumar,
W/o Wg. Cdr. S. Kumar,
R/o Bungalow No.48,
Sector 21/D, Faridabad,
Haryana

- Petitioner

(By Advocate : Mr. Sourabh Ahuja)

Versus

1. Ms. Puniya Salila Srivastava,
Secretary/Principal Secretary,
Department of Training & Technical Education,
GNCT of Delhi, Muni Maya Ram Marg,
Pitam Pura, Delhi-110088

2. Mr. D.M. Sapolia,
Chief Secretary,
GNCT of Delhi,
Delhi Sachivalaya, IP Estate,
New Delhi-110002 -Alleged contemnors/Respondents

(By Advocate: Ms. Sumedha Sharma)

O R D E R (ORAL)

Mr. V. Ajay Kumar, Member (J):

Heard both sides.

2. The present Contempt Petition is filed alleging non-implementation of the orders of this Tribunal in OA No. 3564/2013 dated 27.11.2014 whereunder this Tribunal directed the respondents as follows:-

“13. In the circumstances, the OAs are allowed. The respondents are directed to consider the cases of the applicants for granting the Selection Grade from the respective due dates keeping in view the opinion of the AICTE to the effect that the disciplines in which the applicants are working also eligible for Granting the

Selection Grade, as observed at Para 11 above, if otherwise eligible, with all consequential benefits, however, without interest. This exercise shall be completed within two months from the date of receipt of a copy of this order.”

3. When the respondents vide their replies/affidavits filed on 04.08.2015, 03.11.2015 and 26.11.2015 submitted that they fully complied with the orders of the Tribunal and accordingly passed orders on 28.08.2015 by granting Selection Grade to the applicant w.e.f. 15.09.2003, i.e., from the due date, and the consequential Pay Band-4 w.e.f. 15.09.2006 and also paid the arrears, the learned counsel for the petitioner contended that though the respondents complied with the orders of this Tribunal partially, but they have not fixed the pension of the petitioner from the due date as per the grades granted by the respondents vide order dated 28.08.2015. In respect to the said rival submissions, this Tribunal on 22.02.2016 observed as under:-

“8. Once this Tribunal directed the respondents to consider the case of the applicant for granting the selection grade, with effect from due date, with all consequential benefits, it cannot be said that fixation of pension in the selection grade from the date of retirement, is not a part of the order of this Tribunal.

9. In the circumstances, the respondents are permitted to fix the pension of the applicant as per the scales granted by the respondents vide Order dated 28.08.2015, within six weeks from the date of receipt of a copy of this order, and to report full compliance, failing which the 1st Respondent shall be present in person on the next date of hearing.

10. List on 18.04.2016.

11. A copy of this order shall be issued to both the parties by **DASTI**.”

4. Thereafter the respondents vide affidavit/reply filed on 26.11.2015 submitted that now they have complied with the balance directions also and have also passed orders by fixing

revised pension vide Diary No.W069270151100013/202 dated "nil" and consequently paid the amounts into the account of the applicant vide proceeding No.4.1(31)/PAO-23/Pension/2007/390 dated 15/19.03.2016. Accordingly, Ms. Sumedha Sharma, learned counsel appearing for the respondents/contemnors submits that they have fully complied with the orders of this Tribunal and also paid all the arrears to the applicant and nothing is due from them as per the orders of this Tribunal in the aforesaid OA. However, learned counsel for the petitioner submits that still certain amounts are to be payable to the petitioner as per the orders of this Tribunal. However, he failed to point out the exact figures.

5. In the circumstances and in view of substantial compliance of the orders of this Tribunal by the respondents and in view of the categorical statement made by the learned counsel for the respondents, we close the Contempt Petition. Accordingly, notices are discharged.

(Dr. B.K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

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