

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

C.P. No. 169/2015  
O.A. No. 727/2012

New Delhi, this the 4<sup>th</sup> day of November, 2015

**HON'BLE MR. JUSTICE SYED RAFAT ALAM, CHAIRMAN  
HON'BLE MR. P.K. BASU, MEMBER (A)**

Visalam Rangarajan,  
Aged about 62 years,  
W/o Shri M. Rangrajan,  
R/o Block No.525, Sector-4,  
Vaishali, Ghaziabad, UP. .. Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Shri Anuj Kumar Vishnoi,  
Secretary,  
Ministry of Water Resources,  
SS Bhawan, Rafi Marg,  
New Delhi .. Respondents
2. Shri Murari Ratnam,  
Director,  
Central Soil and Material Research Station,  
Palm Marg, Hauz Khas,  
New Delhi .. Respondents

(By Advocate: Shri Rajnish Prasad)

**ORDER (ORAL)**

**By Hon'ble Mr. Justice Syed Rafat Alam**

This is an application for initiating contempt proceedings against the respondents for deliberate violation of the order of the Tribunal dated 09.05.2014 in O.A. No.727/2012.

2. We have heard Shri M.K. Bhardwaj, learned counsel for the applicant and Shri Rajnish Prasad appearing for the respondents.

3. It appears that the applicant is aggrieved by the wrong fixation of her pay scale consequent to the 2<sup>nd</sup> financial upgradation under MACP Scheme. She preferred O.A. No.727/2012 which was disposed of vide order dated 09.05.2014 with the following directions:

- “(i) The respondents are directed to grant pay scale of Rs.5500-9000 as a 2<sup>nd</sup> financial upgradation under ACP Scheme with all consequential benefits, including arrears of pay.
- (ii) Order is to be implemented within a period of three months from the date of receipt of certified copy of this order.”

4. Learned counsel for the applicant vehemently contended that the scale of Rs.5500-9000 has been revised to Rs.6500-10500 during the pendency of the Application and the respondents ought to have given the revised scale instead of Rs.5500-9000 as given by the order dated 01.04.2015 in compliance of the Tribunal’s order and, therefore, the respondents have not carried out the directions of the Tribunal in letter and spirit.

5. On the other hand, learned counsel for the respondents submitted that applicant’s pay has rightly been fixed in the

scale of Rs.5500-9000 and, therefore, it is in terms of the directions of the Tribunal. He further argued that the claim against the pay scale of Rs.6500-10500 cannot be sustained in view of Department of Personnel and Training's O.M. dated 25.09.2006 wherein it has been provided that the aforesaid upgraded scale is only available to the Assistants and Stenographers Grade 'C' (PAs) of CSS/CSSS cadre. Since the applicant does not belong to the aforesaid cadre, she cannot claim the said pay scale.

6. However, it appears that vide order dated 01.04.2015, the respondents have granted Grade Pay of Rs.4600/- to the applicant instead of Rs.4200/- which shows that the scale of the applicant is revised.

7. In the operative part of order dated 09.05.2014 passed in the aforesaid O.A., specific pay scale is mentioned, which has admittedly been granted by the respondents and, thus, in our view, there is substantial compliance of the order passed by the Tribunal. Besides that, if the applicant is still aggrieved and is of the view that she is entitled to claim the pay scale of Rs.6500-10500, the remedy is to move a fresh representation before the concerned authority for redressal of her grievance regarding wrong fixation of pay scale. We have no doubt that in the event the applicant prefers such a representation, the respondents shall consider the same and take an appropriate

decision by passing a reasoned order, however, contempt petition cannot be maintained, as we find that there is substantial compliance of the order passed by the Tribunal.

8. Therefore, we drop the contempt proceeding. The respondents/contemnors are discharged from notices.

**(P.K. Basu)**  
**Member (A)**

**(Syed Rafat Alam)**  
**Chairman**

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