

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. No.235/2016
O.A. No. 4388/2012

New Delhi, this the 14th day of February, 2017.

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)**

1. Khushi Ram, aged about 54 years
S/o Sh. K. Mal
R/o 331/32 S/No.4,
Ramgarh Colony, G. Nagar,
New Delhi-31.
2. Ashok Kumar, aged about 56 years
R/o W2626A, Raj Nagar Palam,
New Delhi-45.
3. Kailash Chand, aged about 56 years
S/o Sh.Tuki Pahlwan
R/o C-4/20D,,Shiv Gali No.11
Sudoma Puri, New Delhi.
4. Hari Kishan, aged about 60 years
S/o Shri Bihari Lal
R/o H.No. 190, Gali No....
Ashok Nagar, Gurgaon
New Delhi.
5. Raj Kumar, aged about 54 years
S/o Sh. Munshi Ram
R/o RZ 18H. Gali No.3
Main Sagar Pur, New Delhi-46.
6. Lakhmi Chand, aged about 61 years,
S/o Sh.Balwant Singh
R/o H.No.24 Vill Bhur Ganour
Distt.Sonipat (Haryana).
7. Vinod Kumar, aged about 50 years
S/o Sh.Shiv Narain,
R/o 21/74 Near Mandir Barwala Vill.
New Delhi-39.

8. Jugdish Singh, aged about 59 years
S/o Sh.Bharatoo Ram,
R/o 131 Sarai Sohal Nasir Pur,
New Delhi.
9. Jugdish Singh Yadava, aged about 55 years
S/o Sh.Layak Ram,
R/o H.No. 160 Vill Khuram Pur,
Distt. Gurgaon, New Delhi.
10. Joginder Rai,
S/o Sh. Jetar Rai.
R/o C2/79 C-II Block No Gali No.3,
Mahabir Encl., New Delhi 110045.
11. Amarjeet Singh
S/o Sh.Sagar Mal
R/o 109/ Tilak Nagar Harijan Basti,
New Delhi.-18.
12. Raj Kumar
S/o Sh Asha Ram
R/o Tilak Nagar Harijan Basti
New Delhi-18.
13. Gurnam Singh
S/o Sh. Gulzara Singh
R/o RZK 15, Block Nanda, Mahavir Encl,
New Delhi-45.
14. R.R. Tiwari, aged about 63 years
S/o Sh.Ram Abhilash Tiwari
R/o RZ 48/195 Gali No.14A Durga Park,
New Delhi-45.
15. B.K. Tiwari, aged about 58 years,
S/o Sh.Chandr Har Tiwari,
R/o RZ 33A Gali No.10 Palam Raj Nagar,
New Delhi-45.
16. Ramesh, aged about 59 years,
S/o Sh. Mawashi Ram,
R/o 560/38, T. Huts Kilokari,
Nehru Nagar, Jung Pura,
New Delhi.
17. Chet Ram, aged about 62 years,
S/o Sh. Sultan Singh,

R/o C.V.D. Line Delhi Cantt. 10,
New Delhi.

18. Raghu Ram, aged about 54 years,
S/o Sh. Zunni Lal,
R/o C82/Baprola Vihar,
New Delhi-43.
19. Suresh Kumar, aged about 52 years,
S/o Sh. Bishan Lal,
R/o 37/12 CVD Line,
Delhi Cantt.10, New Delhi.
20. Bajwa, aged about 54 years,
S/o Sh. Fool Singh,
R/o Khanna Camp Meerut Cantt.
New Delhi.
21. B.S. Dabas, aged about 52 years,
S/o Sh. Narain Singh,
R/o 135 Hursukh Para, Puth Khurd,
New Delhi-39.
22. Nabi Raham, aged about 56 years,
S/o Sh. Shinulla,
R/o 34/14 C.V.D. Line
Delhi Cantt.10, New Delhi.
23. Rakesh Kumar Yadav, aged about 46 years,
S/o Late Sh. Banwari Lal Yadav,
R/o RZ 243/5 Swami Nursing Home,
Raj Nagar, New Delhi-45.
24. Pandey Ram, aged about 60 years,
S/o Sh. Ram Chandar,
R/o W2-118, Gali No. ...Sadh Nagar,
Palam Colony, New Delhi-45.
25. Sushil Kumar, aged about 62 years,
S/o Sh. Om Prakash,
R/o A/9/1 Mahavir Enclave,
New Delhi-45.
26. Raghvinder Singh aged about 58 years,
S/o Late Sh. Chater Singh,
R/o W2-146, Naraina,
New Delhi.

27. Jai Chand, aged about 59 years,
S/o Sh. Vijay Singh,
R/o C-221 Nangli Vihar Ext. Baprola,
New Delhi-13.
28. Chunni Lal Meena, aged about 57 years,
S/o Sh. Badan Lal,
R/o R2 776/17A Gali No.15816,
F Block, Raj Nagar
PTI, New Delhi-45.
29. Ishwar Singh, aged about 49 years,
S/o Sh. Khajan singh,
R/o 182/A Swami Mohla Sahabad,
Mahimad Pur, ND-61.
30. Om Prakash, aged about 56 years,
S/o Late Sh. Ram Kumar,
R/o P15218 Kabal Line, Delhi Cantt 10.
31. Vijay Kumar,
S/o Sh. Krishan Lal,
R/o R2775/17, Gali No.16/15
Raj Nagar, Palam ND-45.
32. Lokesh Kumar, aged about 59 years,
S/o Sh. Om Prakash,
R/o 574, Gali No. 3 Main Sagar Pur,
Delhi-46.
33. Kanwar Sen Kumar, aged about 54 years,
S/o Sh. Raghbir Singh,
R/o A 90 Block A, Sorabh Vihan,
Delhi-44.
34. Mohan Lal, aged about 52 years,
S/o Sh. Moti Lal,
R/o H.No.B.252 Gali No.15,
Gagan Vihar, Jita Pur South
New Delhi-44.
35. Ram Kishan aged about 57 years,
S/o Sh. Tulsi Ram,
R/o Rzg 221 Raj Nagar PT-II Palam,
New Delhi-77.
36. Sis Ram, aged about 58 years,
S/o Sh. Har Lal,

R/o RZ 269/21 Main Road Mangal Bazar
Indra Park New Delhi-45.

37. Gammancli Lal, aged about 54 years,
S/o Sh. Chirnjilal,
R/o Vill Gandhra Distt Rohtak.
38. Baljeet Singh, aged about 56 years,
S/o Sh. Pemma,
R/o vill Ishmil Pur Distt. Jajhar.
39. Deep Chand, aged about 56 years,
S/o Sh. Sohan Lal,
R/o 133 Hastal Vill., New Delhi.
40. Shiv Kumar, aged about 54 years,
S/o Sh. Probha Ram,
R/o T 74/5 Kabal Line Delhi Cantt 10.
41. Sham Lal Shaha, aged about 54 years,
S/o Sh. Fulena Shah,
R/o C 90 Ambedkar Palace Hostel,
New Delhi.
42. Suresh Kumar, aged about 58 years,
S/o Sh. Kishan Chand,
R/o 63/8 Model Town,
Gurgaon 122200.
43. Rajender,
S/o Sh. Nawal Singh
R/o 65 Khera Daber Najatgat,
New Delhi-43.
44. Giri Raj Meena,
S/o Sh. Kalyan Singh,
R/o R2 635/4 Gali No.D, Sadh Nagar
Palam, New Delhi -45.
45. Zele Singh, aged about 45 years,
S/o Sh. Ami Chand,
R/o H.No.5 Iqbal Pur Jeht,
Distt. Gurgaon (Har).
46. Shri Pal, aged about 49 years,
S/o Sh. Meer Singh,
R/o 54 Vjwa Vill Najafgarh,
New Delhi 43.

47. Sube Singh, aged about 59 years,
S/o Sh. Dev Karan,
R/o Vill Banihari H.No.60,
Teh Narnol Disstt. M. Garg (Har).

48. Hari Kishan, aged about 66 years,
S/o Sh. Bhallar Singh
R/o R2681/10B, Gali No.27B,
Sadh Nagar, Palam,
New Delhi 45.

49. Ram Singh, aged about 66 years,
S/o Sh. Payse Lal
R/o Zaredu Vill, Delhi Cantt 10.

50. Attar Singh, aged about 54 years,
S/o Sh. Ram Chander,
R/o Vill Amirwas P.O. Budera,
Distt. Bhiwani.

51. Jeet Ram, aged about 66 years,
S/o Sh. Tara Chand,
R/o H.No. 70 Heli Mandi, Jeh Patodi,
Distt. Gurgaon (Har). .. Petitioners

(By Advocate: Shri D.S.Mahendru)

Versus

Union of India & Others through

1. Shri R.K. Mathur,
The Secretary
Ministry of Defence
South Block, New Delhi

2. Lt. Gen. Amit Sarin,
DGOS (OS-20)
MGO's Branch,
Army Headquarters,
DHQ PO, New Delhi. .. Respondents

(By Advocate: Shri Satish Kumar)

ORDER (ORAL)**By Mr. V. Ajay Kumar, Member (J)**

Heard both the sides.

2. The O.A. No. 4388/2012 filed by 53 applicants was disposed of by this Tribunal by its order dated 29.04.2015 as under:

“4. In the present case there are 55 applicants and it is not clear that the respondents have narrated aforementioned factual position in respect of which of them. The counter reply on behalf of respondents is quite Nebulous. Normally, we could have asked the respondents to file an affidavit to make factual position more clear. Nevertheless, the OA was filed in the year 2012 and after the order passed by the Tribunal on 09.3.2015, the only instructions reported by learned counsel for the respondents is that the order passed by this Tribunal in OA 163/2007, has been implemented and the applicants in the OA have been granted the benefit.

5. In view of aforementioned circumstances, we dispose of this OA with the direction to the respondents to consider the claim of the applicant for higher pay scale/Grade pay in view of aforementioned judgment as well as the letter dated 14.6.2010 as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order under intimation to the applicants. No costs.”

3. In compliance of the aforesaid orders, the respondents passed the speaking order dated 23.01.2016.

4. The learned counsel for the petitioners submits that the order dated 23.01.2016 is with respect to the 1st applicant and the cases of the rest of the applicants have not been considered by the respondents in terms of the decision of this Tribunal in the O.A. referred to by this Tribunal, while disposing of the O.A.

5. However, the learned counsel for the respondents submits that though the case of the 1st applicant was only referred to in the

speaking order dated 23.01.2016 but the same is taken as an example case and in the table enclosed to the said order, the details of all the 53 applicants have been given in detail and that as per the said details, as they were not eligible, their cases were rejected and, hence, there is no wilful disobedience of the orders passed by this Tribunal.

6. The learned counsel for the petitioner, while not disputing the statement given by the respondents in respect of certain applicants, however, submits that in respect of certain other applicants, the decision taken by the respondents is erroneous and against the actual facts.

7. Since we are examining the issue in contempt jurisdiction, we cannot go into the merits of the case once the orders of this Tribunal have been substantially complied with by the respondents. Accordingly, we close the C.P., as the respondents have substantially complied with the orders of this Tribunal, and the notices issued to the respondents are discharged. However, if any of the applicants in the O.A. are aggrieved by the order now passed by the respondents, they may avail their remedies, in accordance with law.

(P.K. BASU)
Member (A)

(V. AJAY KUMAR)
Member (J)