

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No.101/2016
MA No.3524/2017
MA No.2049/2017**

New Delhi this the 20th day of September, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Shri Om Prakash Gupta,
S/o Shri Kharakaya Ram,
R/o 482/7, Near Chander Quarters,
Rampura,
Delhi-110035.

...Applicant

(By Advocate : Shri Prakash Khandelwal)

Versus

North Delhi Municipal Corporation,
Through its Commission,
Civic Center, Minto Road,
New Delhi-110002.

...Respondents

(By Advocate : Shri M.S. Reen)

ORDER (ORAL)

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

Heard both sides.

2. With the consent of the parties, both the OA as well as MAs are taken up for hearing. MA No.3524/2017, has been filed seeking condonation of delay in filing the OA. Since the subject matter of the OA pertains to the wrong fixation of pay scale, and in view of

the settled position of law, the same is allowed and the delay is condoned.

3. The applicant, a Senior Citizen, filed the OA seeking the following reliefs :-

- “a) Fix pay of the applicant in the payscale of Rs.2000-3500/- as per the pay fixation of Shri Dal Chand Retired Head Master M.C. Primary School Nand Nagri w.e.f. 17.7.1990 and pay arrears and retirement dues with interest @ 12% per annum, or in alternative
- b) Remove anomalies at the time promotion of sh. Chander Bhan Sharma in the pay between applicant and Sh. Cahnder Bhan Sharma Retired Head Master M.C. Primary School, Adarsh Nagar-II, Civil Zone, Delhi.
- c) Provide two increments to the applicant at the time of promotion on the basis of parity with Sh. Niyam Singh and Sh. Chander Bhan Sharma both retired Head Masters.
- d) Cost of the case may also be awarded in favour of the applicant and against the respondent;

Any other or further order as this Hon'ble tribunal deems fit and proper in the circumstances of the case may also be passed in favor of the applicant.”

4. It is seen that the applicant earlier filed OA No.2979/2009 seeking his fixation of pay in a particular manner. The said OA was disposed of on 29.10.2009 by directing the respondents to pass a speaking order on the claim of the applicant within a prescribed

time. Alleging non-implementation of the said order, the Applicant preferred CP No.357/2010 and the same was disposed of on 31.05.2010, as the respondents in the meantime passed speaking orders in compliance of the aforesaid OA by granting liberty to the applicant to challenge the said order. The said speaking order is filed at page 32 of the OA i.e. Office Order No.D/665/EO/KBZ/2010 dated 22.05.2010. The main grievance of the applicant is that the respondents wrongly fixed his pay vide the said Order dated 22.05.2010, but surprisingly he has not questioned the said order in the OA inspite of the liberty granted by this Tribunal. The learned counsel for applicant failed to explain why he has not questioned the alleged wrong fixation of his pay vide order dated 22.05.2010. In the absence of the same, the OA is liable to be dismissed. Accordingly, the same is dismissed. Consequently, MA No.2049/2017 also stands dismissed. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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