

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

**C.P No. 607/2016
In O.A No. 2098/2016**

New Delhi this the 29th day of March, 2017

Hon'ble Mr. P. K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

1. Tasneem Ahmed, ID 19810656,
S/o Shri Shamadin,
Aged about 61 years,
Re-employed TGT, Social Science,
Shaheed Hemukalani Sarvodaya Bal Vidyalaya,
Lajpat Nagar (School ID 1925059),
New Delhi-24.

2. Lakhpat Singh, ID No. 19810654,
S/o Late Rati Ram,
Aged about 61 years,
Re-employed TGT, Natural Science,
Shaheed Hemukalani Sarvodaya Bal Vidyalaya,
Lajpat Nagar (School ID 1925059)
New Delhi-24

... Petitioners

(By Advocate : Ranjit Sharma)

VERSUS

Somya Gupta,
The Director of Education,
Govt. of NCT, Delhi,
Sham Nath Marg,
Delhi-54.

... Respondent

(By Advocate: Ms. Sangita Rai with Mr. Pradeep Sing Tomar)

O R D E R (ORAL)

Hon'ble Mr. P. K. Basu, Member (A) :

Learned counsel for the respondent has placed before us the compliance affidavit filed on 20.03.2017 in which the following has been cited :-

“Para-2 That it is submitted that in pursuance of Order dated 16/11/2016 passed by this Hon'ble Tribunal in OA No. 100/2098/2016 has been fully complied with and they have been paid 50% salary during the period of their termination as reemployed TGT (S.Sc) from 20.05.2016 to 10.01.2017.

Para-3 That it is submitted that applicant Sh. Lakhpat Singh, TGT (N.Sc) has reinstated vide order no. 2986-2991, dated 25.02.2017. Later on he superannuated on 15.03.2017 after attaining the age of 62 years. He has paid the arrear of salary for termination period 20.05.2016 – 26.02.2017 vide cheque no. 267090 dated 17.03.2017 amount of Rs.241646. The receipt of cheque by Sh. Lakhpat Singh is herewith enclosed as annexure – CI.

Para-4 That it is submitted that applicant Sh. Tasneem Ahmed has been paid 50% salary during the period of his termination as reemployed TGT (S.Sc) from 20.05.2016 to the 10.01.2017 but Sh. Tasneem Ahmed has declined to accept the cheque no. 267089, dated 17.03.2017 amount Rs.157722. He could not be granted reemployment after his termination due to attaining the age of 62 years as on 10.01.2017. The cheque is enclosed herewith as annexure-CII.”

2. The order dated 17.03.2017 by which 50% salary for termination period with effect from 20.05.2016 to 26.02.2017 has been paid to one of the applicants namely Sh. Lakhpat Singh is also enclosed. The 50% of arrears comes to an amount of Rs.2,41,646/-. A photocopy of the cheque has also been enclosed and receipt dated 17.03.2017 signed by Sh. Lakhpat Singh has also been filed. Similarly, the respondent has issued orders for payment of 50% salary for the period 20.05.2016 to 10.01.2017 to Sh. Tasneem Ahmed who superannuated on 10.01.2017 at the age of 62 years. It is stated that though the cheque had been made in Mr. Ahmed's name also of Rs.1,57,723/-, he has not received this cheque.

3. Learned counsel for the respondent states that this would indicate that the respondent has complied with the order dated 16.11.2016 in O.A 2098/2016. The direction to the respondents in the O.A was as follows :-

“...the direction to the respondents to reinstate the applicants immediately and not later than 7 days from passing of this order. However, for the period from the date from which their services

were terminated after reemployment and till the date they join the service, in the circumstance of the case, we further direct that 50% of the salary should be paid to the applicants.”

4. The learned counsel for the applicants states that the applicants are entitled to the following, which has not been granted by the respondents :-

(1) The order of the Tribunal was to reinstate them within seven days namely by 23.11.2016 whereas the reinstatement had been done for Sh. Lakhpat Singh with effect from 26.02.2017 and Shri. Ahmed with effect from 10.01.2017 and therefore, between the period 24.11.2016 till 26.02.2017 in the case of Lakhpat Singh and 20.05.2016 to 10.01.2017 in case of Sh. Tasneem Ahmed, the respondents should pay full salary to the applicants.

(2) Vide order dated 12.09.2016 the respondents had granted 3rd MACP to Shri. Tasneem Ahmed with effect from 24.03.2014. Since these resulted in an upgradation of salary, the respondents should incorporate this, while working out the 50% salary during the termination period.

5. The learned counsel for the respondents fairly concedes that as regards the 2nd issue raised by the applicants, this would be considered by the respondents and fresh orders issued, if required. As regards the first request, it is stated that the delay had occurred because the respondents approached the Hon’ble High Court and the Hon’ble High Court vide order dated 21.02.2017 permitted the respondents to withdraw the matter and file a review before this Tribunal. It is stated that the respondents are in the process of filing review application. The delay therefore, is explained.

6. We are satisfied that there has been substantial compliance of the order of the Tribunal.

7. With the above observations, the C.P is closed. Notice issued to the alleged contemnor is discharged.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

/Mbt/