

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

**CP-710/2015
in OA-703/2012**

New Delhi this the 01st day of March, 2017

Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Sh. Ashok Kumar,
S/o Late Sh. Hari Shankar Sharma,
R/o 37-A/1D/7, New Madhu Nagar,
Agra Cantt.

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Petitioner

(By Advocate: Sh. M.K. Bharadwaj)

Versus

1. Sh. G. Mohan Kumar,
Secretary,
Ministry of Defence
South Block, New Delhi.
2. Lt. Gen. R.V. Kanitkar YSM, VSM,
QMG,
QMG Branch, Sena Bhawan,
Ministry of Defence, New Delhi
3. Brig. P. Bali,
Dy Director (General),
Military Farms, QMG's Branch,
West Block No. 3, RK Puram
New Delhi.
4. Sh. Rajkumar,
Director (Q),
Adjutant Genera's Branch,
IHQ, MOD, New Delhi.

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Respondents

(By Advocate: Sh. Duli Chand)

ORDER (ORAL)

Hon'ble Sh. Shekhar Agarwal, Member (A)

This CP has been filed for alleged non compliance of our order dated
07.08.2015, the operative part of which reads as follows:

"5. We, therefore, allow this O.A. and quash the letters dated 07.12.2010 and 12.08.2011 passed by the respondents rejecting the representation of the

applicant. We hold that the action of the respondents in withdrawing the pay scale of Rs.260-400 vide their letter dated 16.01.2008 as unsustainable. We further direct the respondents to grant the pay scale of Rs.260-400 to the applicant w.e.f. the date of his appointment with consequential benefits of pay fixation, arrears and ACP. Considering the facts and circumstances of this case, we are not inclined to grant any interest on arrears. This exercise will be completed within a period of eight weeks from the date of receipt of a certified copy of this order. No costs."

2. It is agreed upon by the parties that all other benefits except ACP have already been granted to the applicant. The contempt petition was kept pending for grant of ACP benefit to the applicant. Now the respondents have submitted vide their order dated 18.01.2017 that the case of the applicant was considered for grant of ACP benefit. However, the screening committee did not find him eligible for the same as he had not passed the required trade test. The applicant has however been granted MACP benefits.

3. In view of the aforesaid we are of the opinion that our order has been substantially complied with. Accordingly, this CP is closed and notices issued to the alleged contemnors are discharged. The petitioner shall however be at liberty to challenge the order of the respondents now passed, if so advised, in accordance with law.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

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