

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

CP No.441/2015
OA No.1069/2014

New Delhi, this the 2nd day of November, 2015

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Sh. Perumal (Aged about 49 yrs.)
S/o Sh.Kaveri
Working as Plumber /Fitter
Civil Construction Wing (CCW), All India Radio
Shree Fort Auditorium, New Delhi.
R/o H. No. 1150, Sector -7, R.K. Puram,
New Delhi.Applicant.

(By Advocate: A.K. Bhakt)

Versus

1. Sh. Bimal Julka
The Secretary
Ministry of Information & Broadcasting
6th Floor, Shastri Bhawan, New Delhi.
2. Sh. Jagdish Bhagat
Chief Executive Engineer (C)
Prasar Bharti
(Broadcasting Corporation of India)
Civil Construction Wing
6th Floor, Soचना Bhawan,
New Delhi.
3. Sh. Sunil Kumar Aggarwal
Executive Engineer (C) -III
Prasar Bharati
(Broadcasting Corporation of India)
O/o Executive Engineer (C) -III,
CCW, AIR, 10th Floor,
Soचना Bhawan, CGO Complex
Lodi Road, New Delhi. -110003. .. Respondents

By Advocate Mr. Sameer Aggarwal for R-1
Mr. S.M. Arif for R-2 & 3)

ORDER (ORAL)

By Mr. Shekhar Agarwal, Member (A):-

The OA No. 1069/2014 was disposed of by us vide order dated
19.3.2015, the operative part of which reads as under:-

"3.1 Thus, the departmental representative stated that since the date of increment of Sh. Surajpal was 01.02.1996, as per this rule, he was given one increment on that date and his basic pay was stepped up to Rs.2900. We noticed that as far as the applicant was concerned, his increment was awarded on 01.01.1997 i.e. almost a year later. No increment was given to him on 01.01.1996 as per the rule quoted above even though his date of increment was 1st January. Thus, while fixing his pay in the 5th Central Pay Commission scales, the respondents had forgotten to grant him increment on 01.01.1996 itself as was admissible to him. This placed his juniors on a better footing than him as first by bunching of pay they were given the same basic pay as the applicant on 01.01.1996 and thereafter they got increment next month i.e. almost a year before the applicant. The departmental representative explained that this was the practice they were following for the other employees also. In our opinion, this is clearly an error. As per the rule mentioned above, the applicant also deserved an increment on 01.01.1996 after fixation of his basic pay at Rs. 2840 in the new scale. His basic pay on 01.01.1996 would have then become Rs.2900.

4. We, therefore, allow this O.A. and direct that the respondents re-fix the pay of the applicant in the light of the observations made above within a period of eight weeks from the date of receipt of a certified copy of this order. The applicant shall also be entitled to arrears arising out of re-fixation of pay. No costs."

2. In compliance thereof, the alleged contemnors have filed an affidavit alongwith which they have filed the order dated 19.5.2015 (Annexure CA-II) passed by them. On going through the aforesaid order, we are satisfied that our directions given in the order dated 19.3.2015 have been fully complied with. Accordingly, this C.P is closed and notices issued to the respondents are discharged. However, the petitioner shall be at liberty, if so advised, to challenge the aforesaid order by means of original judicial proceedings.

(Dr. Brahm Avtar Agrawal)
Member (J)

(Mr. Shekhar Agarwal)
Member (A)

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