

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP-599/2017 in
OA-1978/2011**

New Delhi, this the 17th day of August, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

Anil Kishore,
S/o Late Sh. J.P. Krishna
R/o Flat No. 163, Pocket A-2,
Prateek Apartments,
Pashim Vihar, Delhi.

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Petitioner

(through Sh. Gopal Dutt)

Versus

N.K. Sinha,
Secretary, Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi.

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Respondents

(through Sh. D.S. Mahendru and Sh. S.M. Arif)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

This contempt case is filed alleging that the respondents did not implement the direction issued by this Tribunal in its order dated 26.07.2016 in OA No. 1978/2011. The matter pertains to sanction of a particular pay scale. The Tribunal passed a common order in OA No. 1977/2011 with OA No. 1978/2011, OA No. 2747/2005 and OA No. 2480/2005 together with several MAs and CPs.

2. The petitioner contends that despite specific directions issued by the Tribunal, the respondents have not fixed the pay as directed.

3. The respondents filed compliance affidavit together with a copy of the order dated 23.01.2018 wherein the scale of pay of the applicant was upgraded

to one of Rs. 14300-18300/- w.e.f. 27.06.2007. Two other orders dated 23.01.2018 and 08.02.2018 were passed indicating the implementation of the re-fixation of the pay scale.

4. We heard Sh. Gopal Dutt, learned counsel for the petitioner and Sh. D.S. Mahendru and Sh. S.M. Arif, learned counsel for the respondents.

5. The direction issued by the Tribunal insofar as it relates to OA No. 1978/2011, reads as under:

"OA 1978/2011

In this O.A., the prayer is for granting the scale of Rs. 12000-16500 which become the Non-Functional JAG Scale for Executive Engineers as per recommendation of 5th CPC in para 50-45, which recommended the functional scale of Rs. 14300-18300 to Superintending Engineer. Since we have allowed the prayer in O.A. 1977/2011 above, the prayer in this O.A. automatically stands allowed."

In other words, the OA was allowed as prayed for. Therefore, it needs to be seen as to what exactly was the prayer in the OA so as to ascertain whether the compliance reported by the respondents is adequate or not. The relief claimed in the OA No. 1978/2011 reads as under:

"Quash office Memorandum dated 18/6/2009, bearing No. 515/44/2006-BA(E). AND direct the respondents for granting the applicant the pay scale of Non-Functional scale of 12,000-16,500/-, with consequential benefits, with effect date of his completion of 5 years of qualifying service in the grade of Architect, as is recommended by Fifth Central Pay Commission in the case of Executive Engineers of Engineering Services having parity with Architectural Services, including at Civil Construction Wing AIR, wherein, both the Superintending Engineers, as well as the Executive Engineers, (1) without being from Organised Services and being a service (2) being from services to which the non-functional selection of Rs. 14,300-18,300 by the 4th Central Pay Commission, was not implemented, were accorded benefits from the date of their rendering the qualifying service or/and without caring out any amendment in the Recruitment Rules."

6. The prayer is couched in too general a manner. The applicant himself was not sure as to the date with effect from which, a particular relief is to be granted. Everything was left to the understanding of the respondents. It is in this context, that the memo dated 18.06.2009 was issued. The applicant was extended the benefit of the higher scale of pay w.e.f 27.06.2007. If he is not satisfied with that, he has to make a representation and pursue the remedy separately.

7. We, therefore, close the contempt petition. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/