

**Central Administrative Tribunal
Madras Bench**

CP 310/00049/2017 in OA 310/01207/2015

Dated Monday the 19th day of November Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr. P. Madhavan, Member(J)**

N. Kalyana Kumar
Plot No. 94, Door No. 12
4th Cross Street
Balaji Nagar, Madambakkam
Chennai and 15 others

.. Applicant

By Advocate **M/s. C.S. Monica**

Vs.

1. Mr. Bhanu Pratap Sharma
The Secretary (Personnel)
Department of Personnel & Training
Ministry of Personnel, Public Grievances & Pension
2nd Floor, Lok Nayak Bhavan
New Delhi – 110 003.

2. Mr. A.K. Shrivastava
The Principal Chief Commissioner of Income Tax
Office of the Principal Chief Commissioner of Income Tax
CCA-I, 121, Mahatma Gandhi Road, Nungambakkam
Chennai – 600 034.

.. Respondents

By Advocate **Mr. V. Vijay Shankar (R2)**

ORAL ORDER

Pronounced by Hon'ble Mr. R. Ramanujam, Member(A)

Heard. This CP has been filed alleging wilful disobedience by the respondents of the order of this Tribunal in OA 1207/2015 dated 22.07.2016.

2. The grievance of the applicants is that the order of the Tribunal directing the respondents to consider the anomaly mentioned therein and pass necessary pay fixation orders as per rule had not been complied with.

3. Learned counsel for CP respondents would submit that the respondents had filed a reply explaining how the pay fixation in respect of one Tarun Chakraborty relying on which the Tribunal passed the order had itself been revised and therefore, the applicant could not be granted the relief based on the order of this Tribunal.

4. We have considered the case. The direction of this Tribunal was only to consider the anomaly and pass necessary pay fixation orders. If there was any subsequent development not dealt with in the order whereby there was no anomaly any more, the respondents were at liberty to pass appropriate order as the order of this Tribunal was only to consider the anomaly and pass orders as per rules. As and when such an order is passed, the applicants therein would have the liberty to challenge it if they are aggrieved and if so advised. On the other hand, non-compliance of the direction would amount to disobedience of the orders of the Tribunal which is not acceptable.

5. Learned counsel for the respondents would seek two weeks time to pass a reasoned and speaking order. Respondents are accordingly allowed two weeks time to pass a speaking order. The CP applicants may challenge the order in a fresh OA if aggrieved and if so advised.

6. CP is closed. However, the CP applicants are at liberty to move for reopening the CP, if this order is not complied with.

(P. Madhavan)
Member (J)

19.11.2018

(R. Ramanujam)
Member(A)

AS