

Central Administrative Tribunal
Principal Bench: New Delhi

CP No.710/2018
in
OA No.2633/2017

Reserved on: 07.12.2018
Pronounced on: 14.12.2018

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

In the matter of:
Mr. Arun Kanti Karmakar & Ors.

Shri Alok Bhaskar Sharma,
s/o late Pitamber Dutt Naithani,
R/o I-597, Sector Alpha-II, Greater Noida,
Distt. Gautam Budh Nagar (UP),
Retired as Asstt. Commissioner (JTS)
Group-A. ...Petitioner

(By Advocate: Ms. Jasvinder Kaur)

Versus

Ms. Asha Rani Sharma,
Pay and Accounts Officer/Sr. Accounts Officer,
CBIC, Customs & Indirect Taxes, NOIDA,
C-56/42, Sector-62, NOIDA,
Gautam Budh Nagar, UP). ...Respondents

O R D E R

By Hon'ble Ms. Aradhana Johri, Member (A):

This Contempt Petition has been filed by Sh. Alok Bhaskar Sharma (Applicant no.3 in the OA) for non-compliance of Tribunal's interim order dated 04.08.2017 passed in OA No.2633/2017.

2. In the said OA, the applicants claim that the Grade Pay of Rs.5400/- was non-functional upgradation and, therefore, they were correctly granted the third financial

upgradation under MACP Scheme to the next Grade Pay of Rs.6600/- in PB-3. The respondents, however, hold that the Grade Pay of Rs.5400/- is to be treated as functional upgradation and thereby Grade Pay of Rs.6600/- in PB-3 is to be withdrawn.

3. This Tribunal passed the interim order on 04.08.2017, which reads as under:-

“7. Considering the fact that the issue has already attained finality upto the Hon’ble Apex Court and some of the applicants are likely to suffer on verge of their retirement, we are of the view that balance of convenience lies in favour of the applicants for grant of interim relief. Accordingly, it is ordered, as an interim measure, that the operation of the impugned order be kept in abeyance, qua the applicants, till the next date of hearing.”

4. The petitioner has claimed that he took VRS on 10.07.2018 and was made to sign an undertaking on 21.08.2018 to release the gratuity after withholding the excess payment made to him. He further submitted that the gratuity has been released to him.

5. Heard Ms. Jasvinder Kaur, learned counsel for the petitioner.

6. The petitioner has conceded that post retiral dues have been released to him on 31.08.2018 whereas the basic issue whether the Grade Pay of Rs.5400/- was functional or non-functional is yet to be decided by the Tribunal in OA No.2633/2017. The two options before the concerned authorities were either to await the outcome of the OA

before releasing the retiral dues or to process the matter as per rules. Since the petitioner himself has given an undertaking regarding withholding of excess payment made, we are of the view that no contempt is made out. The Contempt Petition is accordingly dismissed.

(Aradhana Johri)
Member (A)

(V. Ajay Kumar)
Member (J)

/Ahuja/