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**Central Administrative Tribunal
Principal Bench**

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**CP No. 08/2005
in
OA 2559/2003**

New Delhi, this the ^{1st} day of August, 2005

**Hon'ble Mr. V.K. Majotra, Vice Chairman (A)
Hon'ble Mr. Shanker Raju, Member (J)**

RG Nangia
S/o Sh. Navneet Ram Nangia,
R/o 7/11, East Patel Nagar,
New Delhi.

...Applicant

(By Advocate: Shri M.K. Bhardwaj)

-versus-

Kendriya Vidyalaya Sangathan through

1. Mr. Rang Lal Jamuda,
Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. Mr. M.M. Swami,
Deputy Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
3. Mr. Sudhir Modawal,
Asstt. Commissioner, KVS (D.R.),
JNU Campus, NM Road,
New Delhi.

...Respondents

h (By Advocate: Shri S. Rajappa)

ORDER

By Mr. Shanker Raju, Member (J):

By an order dated 21.07.2004, following directions had been issued:

"5. Having regard to the clarification issued by the Ministry of Finance which was a conscious decision taking into consideration the revised pay rules, in the light of the above OM, this OA is disposed of with a direction to the respondents to reconsider the issue of grant of stagnation increment, revision of pay of the applicant and consequential pensionary benefits in the light of the OM mentioned above. This direction shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs."

2. In pursuance thereof, respondents have passed an order on 13.01.2005 later on as well whereby it is contended that the applicant has been granted due stagnation increment and the orders of the Tribunal have been implemented in true letter and spirit.

3. Whereas learned counsel for the applicant states that while disposing of the Original Application, cognizance of Ministry of Finance's letter dated 3.7.1987 and clarification dated 30.11.1988 which clearly stipulates that benefit of stagnation increment admissible to the employees in pre-revised non-functional selection grade allowed revised scales on personal basis, was taken note of. In this view of the matter, it is stated that as the applicant, despite an option, is entitled for increments prior to revision and the same having not been granted to the applicant constitutes a willful and

contumacious disobedience of this Tribunal's order making liable the respondents for appropriate action.

4. On the other hand Shri Rajappa, learned counsel for the respondents, stated that a speaking order has been passed whereby the applicant has been accorded stagnation increment and as the matter is contentious, the same cannot be gone into in the contempt petition.

5. We have heard the rival contentions of the parties and perused the material on record.

6. In the light of the decision of the Apex Court in *J.S. Parihar vs. Ganpat Duggar & Ors.*, 1997(1)SLJ 236, we are of the considered view that having passed an order showing compliance of this Tribunal, the matter is really contentious one and, as such, we do not find any willful disobedience on the part of the respondents. In case the applicant is still aggrieved by the order passed by the respondents, it shall be open for him to take recourse in accordance with law.

7. With the above observation, Contempt Petition is disposed of. Notices issued to the respondents are discharged.

S. Raju
(Shanker Raju)
Member (J)

/na/

V.K. Majotra
(V.K. Majotra)
Vice Chairman (A)