

(2025) 02 CAT CK 0813

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

Case No : Civil Miscellaneous Contempt Application No. 330, 00078 Of 2021 In
Original Application No. 08 Of 2021

R.P Srivastava & Ors.

APPELLANT

Vs

Pramod Kumar, General Manager, North Central Railway,
Headquarter, Subedarganj, Allahabad & Ors.

RESPONDENT

Date of Decision : 28-02-2025

Acts Referred:

Citation : (2025) 02 CAT CK 0813

Hon'ble Judges : Om Prakash VII, Member (J); Mohan Pyare, Member (A)

Bench : Division Bench

Advocate : Ashish Srivastava, M.P Mishra

Final Decision : Disposed Of

Judgement

Om Prakash-VII, Member -J

1. Heard Shri Ashish Srivastava, learned counsel for the petitioners and Shri M.P Mishra, learned counsel for the opposite parties.

2. This contempt petition has been filed against the order dated 03rd August 2021 passed by this Tribunal in O.A. No. 330/00008/2021 R.P Srivastava and others Vs. Union of India and others. The operative portion of order dated 3.08.2021 is extracted herein below:-

"10. Therefore, we allow this OA with the direction that applicants who have retired on 30th of June in different years shall be entitled to one notional increment which falls due on the succeeding 1st of July and accordingly shall be extended all the benefit of this increment in their retirement dues. However, as held by the Principal Bench, we also impose a condition that this benefit would be subject to the final outcome of SLP No. 4722/2021 pending in the Hon'ble Supreme Court. Needless to say that the grant of increment shall be made after satisfying other requirements under the Rules. No order as to costs".

3. Submission of learned counsel for the petitioners is that OA No. 330/00008/2021 was allowed and competent authority amongst the respondents were directed to extend one notional increment, which falls due on the succeeding 1st of July with the condition that this benefit would be subject to the final outcome of SLP No. 4722/2021 pending before the Hon'ble Supreme Court. It is argued that when directions given in the aforesaid OA were not complied with, present contempt petition has been filed. It is further argued that in the case of Union of India Vs. M. Siddharaj in SLP No. 4722 of 2021, the Hon'ble Supreme Court has stayed the order of Hon'ble Karnataka High Court by way of an interim order. An implication of this order is that the pension shall be granted to the respondents on the basis of the Last Pay Drawn as on 30th of June of the year of retirement. He points out that instruction to this effect have already been issued by the Railway Board to all their subordinate offices. It is next argued that the aforesaid order of Hon'ble Supreme Court is only an interim order, hence it cannot be a ground for denying the benefit which already stands accorded by way of several pronouncements. It is also argued that direction given in the OA has not been complied with, thus, prayer was made to summon the competent authority to face the charges to be framed against them.

4. Learned counsel for the respondents referring to the compliance affidavit argued that Railway Administration has challenged the order of the Tribunal dated 3.8.2021 by means of Writ 'A' No. 3099 of 2022 and the Hon'ble High Court stayed the aforesaid contempt proceedings vide order dated 21.03.2022. The Hon'ble High Court vide its order dated 21.03.2022 observed that certain interim orders have been granted by the Hon'ble Supreme Court on the subject matter. Subsequently, the aforesaid writ petition was dismissed vide order dated 24.8.2023. Learned counsel for the respondents further argued that after dismissing the writ petition, the petitioners have filed Revival Application and the Revival Application was allowed vide order dated 07.11.2023. Thereafter Railway Administration has taken necessary action for compliance of the order dated 3.8.2021 passed in OA No. 08/2021. Learned counsel for the respondents also argued that in compliance of order dated 3.8.2021 passed in the aforesaid OA, the Railway Administration has granted one notional increment to the applicant Nos. 1, 2, 3 and 4 and issued revised PPO as per 7th CPC and amended the basic pension of the petitioners and has paid arrear to the petitioners. Learned counsel for the respondents next argued that so far as grant of one notional increment to the petitioners No. 5 is concerned, it is found that petitioner No. 5 has taken benefit on 21.3.2020 under 80:20 upgradation with P.B Rs. 15600-39100 (GP Rs. 5400). Learned counsel for the respondents again argued that petitioner No. 5 performed his duties from 21.3.2020 to 30.06.2020 i.e. total 3 months 10 days, therefore, petitioner No. 5 is not entitled for grant of one notional increment in view of para 5 of Railway Board letter dated 09.02.2024. Thus, argued that direction given in the OA has fully been complied with. There is no willful disobedience of the direction of the Tribunal given in the OA, thus, prayer was made to close the proceedings of contempt and discharge the notices.

5. We have considered the arguments of learned counsel for the parties and gone through the material on record.

6. If compliance affidavit is taken into consideration, it is clear fact that following the dismissal of the writ petition filed by the respondents whereby they have challenged the order of the Tribunal, the petitioners submitted a Revival Application, which was subsequently allowed by an order dated 7.11.2023 and contempt petition is restored to its original number. In response, the Railway Administration has undertaken the necessary measures to comply with the order dated 3.8.2021 passed in OA No. 08/2021. Based on the aforementioned order, the Railway Administration granted one notional increment to petitioners Nos. 1, 2, 3, and 4 and issued revised Pension Payment Orders (PPO) in line with the 7th Central Pay Commission, and adjusted the basic pension of the petitioners, which has been disbursed to them. Learned counsel for the petitioners has accepted that compliance in respect of petitioner No. 1 to 4 have been made. Furthermore, in so far as grant of one notional increment to the petitioner No. 5, respondents have stated in its order dated 18.3.2024 that petitioner No.5 had already benefited from an upgradation on 21.3.2020, under the 80:20 scheme with a pay band of Rs. 15,600-39,100 (GP Rs. 5,400) and petitioner No. 5 served the Railways from 21.3.2020 to 30.06.2020, totaling three months and ten days, thus petitioner No. 5 is not eligible for the one notional increment as per paragraph 5 of the Railway Board's letter dated February 9, 2024. Tribunal while deciding the OA had directed to grant one notional increment after satisfying other requirements.

7. If such is the position, plea taken by the petitioner No.5 that one notional increment has not been granted to him is not acceptable. Since order passed in respect of petitioner No. 5 is on the basis of upgradation already allowed to him, thus, compliance made in the matter is in accordance with direction given in the OA. We are also of the view that full compliance of the direction of the Tribunal has been made, therefore, proceedings of contempt petition are liable to be closed. Accordingly, proceedings of CCP are closed. Notices issued to the opposite parties stand discharged. All associated MAs stand disposed of.