

(2018) 11 CAT CK 0048

In the Central Administrative Tribunal

Case No : Contempt Application No. 300 Of 2015, Original Application No. 833 Of 2014

Vijay Kumar

APPELLANT

Vs

A.K. Puthia And Anr

RESPONDENT

Date of Decision : 29-11-2018

Acts Referred:

Citation : (2018) 11 CAT CK 0048

Hon'ble Judges : V. Ajay Kumar, J; Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Satpal Singh

Final Decision : Disposed Off

Judgement

V. Ajay Kumar, J

1. OA No.833/2014 filed by the applicant claiming that his pay should be upgraded to the scale of Rs.6500-10500 from 10.04.1995/20.04.1995, i.e. the date from which his juniors Shri Mohd. Indrish Ansari, Shri Ishwar Chand, Shri Vidya Prakash, Shri Balwan Singh and Shri C.L. Meena were given the said scale was allowed by this Tribunal on 12.08.2014, as under:-

"4. We, in the above facts and circumstances of the case, allow this OA and direct the respondents to grant the scale of pay of Rs.6500-10500 to the applicant w.e.f. 10.04.1995 along with all consequential benefits. In case the other similarly placed persons have been granted the arrears of pay and allowances with interest, the applicant shall also be given the same within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs".

2. In W.P. (C) No.7002/2015, filed by the respondents against the said order, the Hon'ble High Court of Delhi, by its interim order dated 28.07.2015, stayed the orders of this Tribunal in the OA as well as in the instant Contempt Proceedings. However, the said W.P. (C) was finally dismissed on 27.09.2017. The Review

Petition No.66/2018 filed against the said dismissal order was also dismissed on 20.02.2018.

3. The instant CP filed alleging non-implementation of the orders of this Tribunal in OA No.833/2014 was closed on 22.08.2016, in view of the said orders of the Hon'ble High Court in W.P. (C) No.7002/2015 dated 28.07.2015. However, on dismissal of the said W.P. (C) 27.09.2017, the instant CP was revived.

4. Thereafter, the respondents through their various status reports submitted that they have fully complied with the orders of this Tribunal and accordingly, granted the required pay scales from the date of granting the same to the juniors of the petitioner and accordingly prays for dismissal of the CP.

5. Heard the petitioner, who appeared in person and Shri Satpal Singh, the learned counsel for the respondents and perused the pleadings on record.

6. The petitioner, who is appearing in person has not disputed the fact of implementing the orders of this Tribunal in the OA in respect of his juniors, namely, Mohd. Indrish Ansari, Shri Ishwar Chand, Shri Balwan Singh and Shri C.L. Meena. However, in respect of Shri Vidya Prakash, he submits that the said Vidya Prakash was promoted and also was paid the arrears w.e.f. 10.04.1995, whereas the petitioner was granted the promotion with effect from 20.04.1995 and arrears with interest from 01.07.2011 only. On 24.08.2018, by noting the said submission, the respondents were specifically directed to state how Shri Vidya Prakash S/o Shri Munna Lal, who was junior to the petitioner was given promotion and arrears from different dates and why the said benefit was not granted to the petitioner, as per the orders of this Tribunal. In reply to the same, the respondents filed an additional affidavit explaining that the petitioner was granted all the benefits on par with all his juniors. They further submitted that the confusion arose due to the similarity of the names between Vijay Kumar and Vidya Prakash and that the petitioner got all the benefits on par with his juniors and from the same dates, and accordingly prayed for dismissal of the CP.

7. We have gone through the additional affidavit and various documents furnished by the respondents and satisfied that they have fully complied with the orders of this Tribunal and the contention of the petitioner is unsustainable.

8. In the circumstances and for the aforesaid reasons, the CP is closed. Notices are discharged. No costs.