

Central Administrative Tribunal
Principal Bench

C.P. No.223/2003

In
O.A. No.163/2002

New Delhi this the 15th day of September, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

Hon'ble Shri V.K. Majotra, Member (A)

1. Prabir Kumar Dass
NSO, Naval Headquarter,
C-Wing, Sena Bhawan,
New Delhi.
2. Sudhir Kumar Saxena
ANSO-1
Diretorate of Aircraft Acquisition,
Naval Headquarters,
New Delhi.
3. G.V. Subramnaiam
NSO
SO-II (P&A), Office of Director General
Naval Project, Naval based Post,
Vishakhapatnam.
4. T.Dinesh Kumar
NSO
Naval Store Department, Naval Base,
Southern Naval Command,
Kochi.
5. D.Jayasimha
ANSO-I
Naval Headquarters,
Directorate of Logistics Support,
C-Wing, Sena Bhawan,
New Delhi.
6. Kumar Narendra
NSO
Material Organisation, NAD Post,
Vishakhapatnam.
7. Surjit Kumar
ANSO-I
Naval Headquarters,
Directorate of Naval Air Material,
A-Block Hutment, Dalhousie Road,
New Delhi.
8. M.M. Varghees
ANSO-I
P.O. Box No.621, HADDO Post,
Port Blair, Andmans.
9. R.S. Manjunath,
ANSO-I, Naval Store Depot,
Naval Base, Southern Naval Command,
Kochi.

10. G.K. Nair, ANSO,
B.V. Yard, Naval Base,
Southern Naval Command
Kochi.
11. R. Issac, ANSO-I
Naval Store Depot, Naval Base,
Southern Naval Command,
Kochi.
12. P.M. Babu, NSO
Flag Officer, Naval Aviation
Vasco-De-Gamma, Goa.
13. K.K. Rajappa, ANSO-I
Naval Store Depot, Naval Base,
Southern Naval Command,
Kochi.
14. C.P. Singh, NSO,
Naval Headquarters,
Directorate of Naval Air Material,
A-Block, Hutment,
New Delhi.

-Petitioners

(None Present)

Versus

1. Shri Anjani Kumar
Deputy Secretary to Govt. of India
Ministry of Defence,
New Delhi.
2. Shri Manoj Joshi,
Officer on Special Duty (IC)
Ministry of Finance and Co-Affairs, D/o Expenditure
New Delhi.

-Respondents

(By Advocate: Shri B.K. Berera)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

We are disposing of this Contempt Petition after hearing the learned counsel of respondents and considering the material available on record. OA-163/2002 was partly allowed vide order dated 18.12.2002 with the following observations/directions:-

"However, having regard to the ratio in P.V. Hariharan's case (supra) though we are of the view that applicants have been

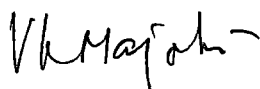
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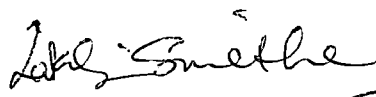
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discriminated in the matter of accord of upgradation and higher pay scale w.e.f. 1.1.96 with their counter-parts DCIOs in IB, we partly allow this OA and set aside the orders passed by the respondents on 7.2.2001 and direct respondents to re-consider the issue of according upgradation to applicants w.e.f. 1.1.96 in the light of the observations made above and particularly the enbloc upgradation accorded to their counter-parts in IB. This exercise shall be done by passing a detailed and speaking order within a period of four months from the date of receipt of a copy of this order. If the respondents decide to accord them the benefit from 1.1.96 applicants shall be entitled to all consequential benefits. No costs".

2. Learned counsel of the respondents stated that respondents have passed detailed and speaking order in terms of the directions contained in Tribunal's order of 18.12.2002 on 27.2.2003 (Annexure-2). We are in agreement with the learned counsel of respondents that respondents have passed a detailed and speaking order in terms of the directions of this Tribunal and as such have not committed any deliberate and contumacious disobedience of the court's orders. The petitioners have also prayed in alternative for initiation of contempt proceedings ⁱⁿ and that a clear direction may be issued to the contemnors to implement the Tribunal's orders dated 18.12.2002 which, too, cannot be allowed in view of the orders passed by respondents dated 27.2.2003.

3. Contempt Petition is dismissed. Notices to the alleged contemnors are discharged. File to be consigned to the record room.


(V.K. Majotra)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)