

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 64/1997

in

O.A. NO. 100/1995
(M.A. NO. 650/1998
M.A. NO. 2744/1997
M.A. NO. 2397/1997)

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New Delhi this the 25th day of March, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

1. Jagdish Prasad
S/O Shri Ram Dulari,
R/O T.C. Camp, Qr. No. C-17,
Khichdipur, New Delhi.
2. Parmeshwari S/O Shri Sakal,
R/O Railway Nursery,
Janta Camp, Bhairon Mandir,
Gate No. 1, Pragati Maidan,
New Delhi.
3. Ram Kumar Yadav
SS/O Shri Pyare Lal,
R/O T.C. Camp, Qr. No. E/10,
Khichdipur, New Delhi.
4. Changu Ram S/P Ram Dhin,
R/O Railway Nursery,
Janta Camp, Bhairon Mandir,
Pragati Maidan,
New Delhi.

... Applicants

(By Shri B. B. Raval, Advocate)

-Versus-

1. Shri B. P. Singh,
Secretary,
Ministry of Human Resources
Development, Shastri Bhawan,
New Delhi-110001.
2. Shai Ajay Shankar Srivastava,
Director General,
Archaeological Survey of India,
Government of India, Janpath,
New Delhi-110001.
3. Shri Dharambir Sharma,
Either Director of Superintendent
at Safdarjung Madarsa,
C/O Respondent No. 2.
4. Shri Goel, Deputy Engineer
at Safdarjung Madarsa,
C/O Respondent No. 2.

... Respondents

J4 (By Shri R. P. Aggarwal, Advocate)

O R D E R (ORAL)

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Shri Justice K. M. Agarwal -

Heard the learned counsel for the parties.

2. The learned counsel for the applicants submitted that pursuant to the interim order made on 8.11.1996 in pending O.A. No. 100/95, the applicants have been working since 18.11.1997, but they are not being paid their salaries/wages for the period December, 1997 to February, 1998, and that is the cause of grievance of the applicants for filing the M.A. No. 650/98.

3. The learned counsel for the respondents did not dispute that the applicants were working since 18.11.1997 and accordingly, also admitted that they were entitled to their salaries/wages for the period they have worked. However, the learned counsel expressed his inability to make any submission as to how and why they were not paid their salaries/wages and that if it is found that salaries/wages have not been paid for the aforesaid period, he will see to it that the payments are made.

4. The ordersheet dated 8.11.1996 records that it was submitted before the Bench that those who joined the services of respondents after applicants, were granted work while applicants had not been given any work. On these basis a direction was made that

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the "Department will ensure that such improprieties, if they have taken place, are remedied. No person who commended service later than applicants will be granted work in preference to them and any violation of these directions will be viewed seriously." It further appears that pursuant to this direction, the applicants were provided work w.e.f. 18.11.1997. We are not concerned for the purpose of this petition as to deal with or to see as to what transpired between 8.11.1996 and 18.11.1997. Suffice it so say, employment was provided to the applicants w.e.f. 18.11.1997. After employment is provided, the respondents are bound to pay salaries/wages to the applicants and it was implied by the fact that they were provided employment, even without any specific order of the court in that regard.

5. Under these circumstances, although we feel that technically no contempt is made out, we direct the respondents while dropping the contempt proceedings to make the payments within a period of one month from the date of receipt of a copy of this order.

6. Accordingly, this contempt petition is disposed of.

7. After the order was dictated, the learned counsel for applicants pointed out that he had also referred to paragraph 3 of his M.A. No. 650/98 and that no reference to it has been made.

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8. After perusing the contents of paragraph 3 of the said application, we came to the conclusion that the allegations made in that paragraph are not relevant for the purpose of disposing of this contempt petition. When we told this fact to the learned counsel for the applicants, he resisted and submitted that the allegations therein make out a case for criminal contempt against the respondents. Even if that be true, in a pending contempt petition cognizance of any other subsequent and that too different type of contempt cannot be taken. On the facts alleged also we do not feel that any case for criminal contempt is made out. We are of the view that Section 13 of the Contempt of Courts Act also forbids us from taking action for contempt in matters where contempt is found to be of such a nature that it could not be said to be substantially interfering or tend substantially to interfere with the due course of justice.

9. Accordingly, this contempt petition is disposed of with the directions already made hereinbefore.

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(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

/as/