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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

C.C.P. No.146 of 1999 In  
Original Application No.808 of 1997

New Delhi, this the 22<sup>nd</sup> day of February, 2000

HON'BLE MR.S.R. ADIGE, VICE CHAIRMAN(A)  
HON'BLE MR.KULDIP SINGH, MEMBER(JUDGE)

1. Shri Roshan Lal  
R/o B-74, Hari Nagar,  
New Delhi-110 064.
2. Shri Ved Prakash  
R/o Village & P.O. Mundka,  
Delhi. ...Applicants

By Advocate Shri S.S. Tewari.

Versus

1. Shri Omesh Saighal,  
Chief Secretary,  
Govt. of NCT. of Delhi,  
Old Secretariat,  
5, Shamnath Mukerjee Marg,  
Delhi.
2. Shri S.K. Sharma  
Executive Engineer (MID),  
Irrigation & Flood Control Department,  
Delhi.
3. Shri A.K. Gupta,  
Chief Engineer (I&F),  
IVth Floor, ISBT Building,  
Kashmere Gate,  
Delhi.
4. Shri S.K. Sharma  
Executive Engineer,  
Minor Irrigation Division,  
Govt. of NCT of Delhi,  
I.M. Bund, Shastri Nagar,  
Delhi. ...Respondents

By Advocate Shri S.K. Gupta.

ORDER

By Hon'ble Mr.Kuldip Singh, Member (J)

By this order we are deciding CCP 146 of 1999  
in OA No.808 of 1997.

2. The facts in brief are that the applicants had

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filed OA No.808 of 1997 wherein they had challenged two orders passed by the respondents dated 8.1.1996 and 1.2.96 regarding recovery of certain additional amounts which were paid to the applicants by the earlier order dated 17.9.90. After hearing, the OA was allowed and the impugned orders were quashed and the respondents were directed to pass a reasoned and speaking order, after giving a show cause notice to the applicants as expeditiously as possible and in any case, within 3 weeks from the date of receipt of a copy of this order. The OA was decided on 23.3.1998.

3. It is submitted by the petitioners that no action was taken by the respondents-department within 3 weeks from the date of passing of the order in the OA nor the amounts recovered by the impugned orders which had been quashed have been refunded to the applicants. However, it is submitted that the applicants were issued a show cause notice, pursuant to which a reply was submitted by the respondents but it is stated that no decision has been taken. So it is prayed that the respondents be proceeded against for contempt of court.

4. Respondents contested this petition and stated that the show cause notice was issued to the applicants. They were also given personal hearing but they deny that no decision has been taken, rather stated the decision was taken and communicated to the applicants herein. But during the arguments on 5.11.1999, the respondents were further directed to file additional affidavit explaining

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clearly the criteria for the calculations on the basis of which certain sum was paid to each of the applicants. After the directions were issued, the respondents filed additional affidavit detailing the entire procedure and as and when a show cause notice was issued to the applicants and when the order in compliance of the directions as given in the OA was passed. Now that since the criteria has been placed on record but still the applicants are aggrieved that the pay etc. has not been properly fixed, so appropriate directions be issued to the respondents.


5. We have heard the learned counsel for the parties and have gone through the records.

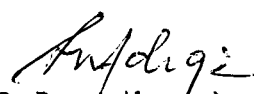
6. It is a well settled law that in a Contempt Petition this Tribunal is not to make any roving enquiry into the merits of the case since the authoritative pronouncement of the Hon'ble Supreme Court in J.S. Parihar Vs. Ganpat Duggar and Others, JT 1996(9) SC 611 which precludes this Tribunal to give any directions on the merits of the case but rather the jurisdiction of the Tribunal in a contempt matter is confined only to see whether the order passed by the Tribunal has been complied with or not. Since in this case the directions, as given by the Tribunal in the OA have been complied with and after the decision in the OA, department had issued a show cause notice and also gave a personal hearing to the applicants herein and thereafter passed the orders, copy of which have been taken on record, that

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satisfies the directions issued by the Tribunal. However, if the applicants are still having any grievances about the wrong fixation of their pay, then the applicants are at liberty to agitate the matter afresh, as advised, as per law.

7. In view of the above, C.P. has no merits and the same is dismissed. Notices issued to the respondents are discharged.

  
( Kuldip Singh )  
Member(J)

  
( S.R. Adiga )  
Vice Chairman(A)

/Rakesh/

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