

Central Administrative Tribunal
Principal Bench

CP 121/98
in
O.A. 2037/96

New Delhi this the 9 th day of December, 1999

Hon'ble Shri S.R. Adige, Vice Chairman(A).
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Shri Mahinder Singh,
S/o Shri Kishan La,
R/o 371, Lawrence Road,
Timarpur, Delhi-110007. Applicant.

By Advocate Shri T.C. Aggarwal.

Versus

Lt. Col. Dalip S. Manchanda,
Chief Engineer, Level-I,
Civil Construction Wing,
(Dte. General of AIR),
PTI Building, Parliament Street,
New Delhi-110001. Contemner.

By Advocate Shri P.H. Ramchandani, Sr. Counsel with Shri S.M. Arif.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

This is a Contempt Petition (CP 121/98) filed by the applicant in OA 2037/96. The applicant has alleged that the respondents have, in spite of repeated reminders, failed to implement the Tribunal's order dated 18.11.1997.

2. The Tribunal by order dated 18.11.1997 in OA 2037/96 had disposed of the application with a direction that in the event the applicant submits a self-contained representation to the respondents within 10 days from the date of receipt of a copy of this order, respondents will consider the same and dispose of the said representation by a detailed and speaking order in accordance with rules and instructions, particularly in the background of the O.M. dated 20.11.1975.

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According to the applicant, he had submitted a representation along with his letter dated 21.11.1997 to the respondents for their consideration and had also reminded them. Respondents have in their reply affidavit stated that the representation was considered by the competent authority. However, the Ministry of Finance had not agreed on the points raised by the applicant which decision had been conveyed to the applicant by letter dated 21.8.1998 (Annexure R-1).

3. Shri T.C. Aggarwal, learned counsel for the applicant has, relying on Paragraph 3.5.17 of the CPWD Manual, very vehemently submitted that the work charged staff is quite comparable to the regular Government servants. His contention is, therefore, that the applicant should have been given the revised pay scales from an earlier date in the background of the order dated 25.11.1975 which has not been done. This has, however, been contested by Shri S.M. Arif, learned counsel, who has submitted that in terms of the Tribunal's orders dated 18.11.1997 the respondents have considered the representation in accordance with the relevant rules and instructions and have passed the order which has also been communicated to the applicant. Respondents have also apologised for the delay in considering the matter. After considering the order dated 18.11.1997 and the subsequent action and order passed by the respondents in the matter, as directed by the Tribunal, we do not find that there is any wilful or contumacious disobedience of the Tribunal's order warranting ~~the~~ further action to be taken under the provisions of Section 12 of the Contempt of Courts Act, 1971 read with Section 17 of the Administrative

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Tribunals Act, 1985. There is no dispute that an order has been passed by the respondents on the basis of the directions issued by the Tribunal on 18.11.1997.

(BA)

4. Having regard to the judgements of the Supreme Court in J.S. Parihar Vs. Ganpat Duggar and Ors. (JT 1996(9) SC 611) and Indian Airports Employees Union Vs. Ranjan Chatterjee & Anr. (JT 1999(1) SC 213), we dismiss this Contempt Petition as we do not find that there is any wilful or contumacious disobedience of the Tribunal's order dated 18.11.1997. Notices to the contemners are discharged.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

h/chq
(S.R. Adige)
Vice Chairman (A)

'SRD'