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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP No. 232/99 In

OA No. 1169/93

New Delhi this the 29th day of October 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

1. Engineering Drawing Staff Association,
Central Public Works Department,
(Recognised by the Govt. of India),
Indraprashta Bhawan, Central Office,
New Delhi.

Through

Shri P.N. Dobriyal,
Ex. General Secretary,
Engineering Drawing Staff Association,
Central Public Works Department,
Indraprashta Bhawan,
New Delhi.

2. Shri A.D. Arora,
S/o Shri Ram Chand Arora,
Draftsman Gr.II,
PWD Division, 16, (DA),
MSO Building, New Delhi-2.

...Petitioners

(By Advocate: Shri A.K. Behera)

Versus

Union of India: through

1. Shri Ashok Pahwa
The Secretary,
Government of India,
Ministry of Urban Development
Nirman Bhawan,
New Delhi.
2. Shri B.S. Duggal
The Director General of Works,
Central Public Works Department,
Nirman Bhawan,
New Delhi.
3. Shri Vijay Kakar
The Secretary,
Ministry of Finance,
Department of Expenditure,
North Block,
New Delhi.

...Respondents

(By Advocate: Shri D.S. Mahendru)



ORDER (Oral)

By Reddy, J.-

Heard the counsel for the petitioners and the respondents.

2. This CP arises out of the order passed by the Tribunal in OA-1169/93 dated 18.2.99. While disposing of the OA, the Tribunal has given the directions which are as follows:-

"Considering the above facts and circumstances, OA is disposed of with the following directions:

Respondents to consider the applicant's representation dated 7.8.1991 after giving a personal hearing to Applicant No. 1 through its General Secretary, keeping in view the relevant judgments mentioned above, by a reasoned and speaking order. They shall intimate the decision to the applicants within 4 months from the date of receipt of a copy of this order. No order as to costs".

3. In purported compliance thereof, the respondents passed the order dated 15.6.99. It is complained of by the learned counsel for the petitioners that the respondents did not pass the order dated 15.6.99, in accordance with the judgments referred to in the judgment of the Tribunal much less kept in mind the various judgments cited by the Bench

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and thus denied the benefits to the petitioners the Time Bound Telescopic pay scales as granted to Draftsmen in the other departments. In the reply it has been stated that the order dated 15.6.99 has been passed taking into consideration all the observations made by the Bench and thus fully complied with the directions given by it. It is also stated that they had not violated the orders of the Tribunal in any way.

4. Learned counsel for petitioners submits that the Bench having relied upon the two judgments of the Calcutta Bench, whereby the applicants therein were granted pay scales of Rs. 1600-2660 w.e.f. their ^{date of} entitlement i.e. on completion of 8 years of service as Draftsman and having found that the petitioners were also entitled for the same scales, directed the respondents to consider the representation of the petitioners for allowing the same scales to them as they are also Draftsmen. The respondents had, therefore, violated the order of the Bench in not granting the same scales to the petitioners. It is also vehemently contended that there was no mention of the various judgments mentioned by the Bench in the order.

5. We do not agree. In the order passed by the respondents it is clearly mentioned about the judgment of the Tribunal in OA-1169/93, which was filed seeking for the Telescopic pay scales. Respondents has also given the petitioners, the personal hearing and noticed several demands made by them during the personal hearing. Thereafter each

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demand has been considered and decided. In our view it may not be necessary to mention the judgments relied upon by the Tribunal in the judgment. The mere omission to mention of the judgments in their order cannot be a ground to hold that respondents had violated the order of the Tribunal. But we are satisfied that the respondents had complied with the directions given by the Tribunal.

6. If the petitioners are aggrieved by the order of the respondents, it is open to them to agitate against the said order in an original application.

7. There is no merit in the C.P. C.P. is accordingly dismissed. Notices issued to the alleged contemners are discharged.

Shanta
(Mrs. Shanta Shastry)
Member(A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.