

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
CP No.266/2000 with MA 2144/2001 in OA No.1506/1993

New Delhi, this 5th day of June, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Shri M.P. Singh, Member(A)

Ravinder Singh & Others
(as per details given in Memo
of Parties)

.. Petitioners

(Shri K.L. Bhandula, Advocate)

versus

1. Shri Z. Hasan
Secretary to the Govt. of India
Ministry of Water Resources
Shram Shakti Bhavan, New Delhi
2. Shri A.D. Mohile
Chairman
Central Water Commission
Sewa Bhavan, R.K.Puram, New Delhi .. Respondents

(Shri R.V. Sinha, Advocate)

ORDER

Shri M.P. Singh, Member(A)

Applicants have filed the present Contempt Petition alleging that the respondents have not complied with the directions of this Tribunal dated 22.11.1999 in OA 1506/1993 and therefore contempt proceedings be initiated against them.

2. Applicants, working as Junior Computers, had filed OA 1506/1999 seeking directions to the respondents for revision of their pay scale. While disposing of the said OA by its order dated 22.11.99 the Tribunal, though expressed its inability to grant the relief prayed for the applicants therein, made the following observations:

"7. We note that respondents have stated in their reply that the cadre structure in CWC in which Junior Computers are in the feeder line for promotion to higher posts is quite different from the cadre structure in the EDP Scheme. Respondents also state that a cadre review proposal is under

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consideration, and in fact the impugned order dated 4.1.93 itself states that the revision of pay scales of different categories of Scientific and Statistical Cadre in CWC is also under consideration based on the report submitted by the Cadre Review Committee. We call upon respondents to take a final decision in this regard with particular reference to the cadre review proposals as expeditiously as possible".

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3. Respondents in their reply affidavit have denied any wilful disobedience of the orders of this Tribunal inasmuch as the Tribunal has dismissed the reliefs prayed for in OA 1506/93 filed by Shri J.K. Sharma & Others. The present CP is filed by Shri Ravinder Singh, petitioner herein was one of the applicants in the aforesaid OA. They have further stated that upon introduction of Assured Career Progression Scheme, cadre review is to be done on functional considerations. Therefore, all the cadre review proposals of CWC in the Ministry have been held in abeyance till the finalisation of the report of Group of Officers constituted for assessing staff requirement of Central Water Commission (CWC) on the basis of functional requirements and finalisation of report on restructuring of CWC on the basis of study being undertaken in this regard. The Committee, however, noted that the Group of Officers has proposed for reduction in the number of staff in various grades in the Statistical and Hydromet Cadre from 296 to 269. Therefore, the Committee was of the view that the existing cadre review proposal was no more relevant in the changed scenario. Moreover, any such cadre review at this stage would have to largely take into consideration the recommendations of the report of the Group of Officers, which would adversely affect the promotional prospects in the cadre. Therefore, the Committee recommended that the present cadre review proposal should

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not be followed up further and be dropped. CWC have accepted the recommendations of the Review Committee and keeping in view the fact that the processing of the earlier cadre review proposal will be detrimental to the interests of the employees in Statistical and Hydromet cadres, have decided to drop the Cadre Review proposal. A fresh work on the requirements of Statistical and Hydromet cadre can be taken after a decision is taken on the report of Administrative Staff College of India on restructuring of the CWC. In view of this position, the contempt proceedings be dropped and notices discharged.


4. During the course of the arguments, the learned counsel for the petitioners has submitted that it is the Chairman, CWC who has accepted the aforesaid recommendations of the Government and he has no authority to do so. He further submitted that any decision in this regard should have been communicated to the applicant.


5. On the other hand, the learned counsel for the respondents has submitted that it is the Government which accepted the recommendations regarding cadre review and also that it is a policy decision and the respondents are not bound to intimate such a policy decision to any individual. Drawing support from the judgement of the apex court in Govt. of NCT & Anr. Vs. Nitika Garg & Anr. JT 2000(10) SC 189, the learned counsel for the respondents has further contended that observations made by the Tribunal while dismissing the reliefs prayed for by the applicants in OA 1506/1993 are of no consequence and would not confer any right on the applicants.



6. We find force in the submissions made by the learned counsel for the respondents, particularly when the reliefs prayed for by the applications in OA 1506/1993 were rejected by this Tribunal, which has only made certain observations as extracted above. There was no specific direction by this Tribunal with regard to revision of pay scale of the applicants. Therefore, there is no question of disobedience of Tribunal's directions, as alleged by the petitioners and, thus, no contempt has been made out by the petitioners.

7. In view of this position, the present CP deserves to be dismissed and we do so accordingly. Contempt proceedings are dropped and the notices are discharged. MA 2144/2001 for expeditious disposal of CP is also disposed of accordingly. No costs.


(M.P. Singh)
Member(A)


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

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