

Central Administrative Tribunal
Principal Bench, New Delhi

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C.P.No.194/2002 &
C.P.No.195/2002 IN
OA.No.1109/2000

Thursday, this the 29th day of August, 2002

Hon'ble Mrs. Lakshmi Swaminathan, VC (J)

Hon'ble Mr. S.A.T. Rizvi, M (A)

CP-195/2002

1. Dr. Pamila Bhatia
w/o Pradeep Dua
r/o BK-2/27, Shalimar Bagh,
Delhi
2. Dr. Anil Chhikara,
s/o Shri Mahinder Singh Chhikara
r/o B-12-138,
Double Storey Government Quarters
Dev Nagar, Karol Bagh, New Delhi.
3. Dr. Monica Verma
d/o Shri Mahinder Singh Verma
r/o House No. 1117
Sector - 17, Faridabad 121007

(By Advocate: Shri Pramod Gupta)

... Applicants

Versus

1. Mr. S.P. Aggarwal
Principal Secretary,
Health & Family Welfare Department
Govt. of NCT of Delhi,
Inderprastha Secretariat, IP Estate
New Delhi
2. Dr. Manjri Dwivedi,
Director, ISM & H,
Govt. of NCT of Delhi
Tibbia College,
Ajmal Khan Road, Karol Bagh,
New Delhi.

(By Advocate: Shri Ajesh Luthra)

... Respondents

CP OA-194/2002

1. Dr. Pankaj Kumar, s/o Shri Arvind Kumar
r/o H.No. 569, Pkt.D, Dilshad Garden,
New Delhi.
2. Dr. Madhu Gupta,
d/o Shri R.G. Gupta,
r/o BF-31, Janak Puri, New Delhi.

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3. Dr. Mamta Jain,
d/o Shri Ajit Prasad Jain,
r/o B-1/52, Yamuna Vihar, Delhi.
4. Dr. Munesh Sharma
d/o Shri B.N. Sharma
R/O B-2/415, Yamuna Vihar, Delhi.
5. Dr. Manish Sharma,
s/o Shri B.S. Sharma
r/o AA-74, Shalimar Bagh,
New Delhi.
6. Dr. Meeta Verma,
d/o Shri H.P. Verma
r/o D-5, Ashok Road,
Adarsh Nagar, Delhi-33

(By Advocates None)

....Applicants.

Versus

1. Govt. of NCT of Delhi through
Mrs. Shailja Chandra, Chief Secretary,
Govt. of NCT of Delhi, Delhi Secretariat,
New Delhi.
2. Shri S.P. Aggarwal,
Principal Secretary,
Health and Family Welfare Department,
Govt. of NCT of Delhi, Delhi Secretariat,
New Delhi.
3. Dr. Manjari Dwivedi,
Director, ISM & Homeopathy,
Govt. of NCT of Delhi,
Tibbia College, Ajmal Khan Road,
Karol Bagh, New Delhi.

.... Respondents.

QUESTIONER (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J) :

CP-195/2002

The Contempt Petition (CP-195/2002) has been filed by ~~the~~ three petitioners, who were applicant Nos. 1, 2 & 3 in OA-1109/2000, stating that the respondents have wilfully and contumaciously not complied with the Tribunal's order dated 10.4.2001. Shri Pramod Gupta, learned counsel has submitted that, with particular reference to the observations and order of the Tribunal contained in paragraph 6 of the aforesaid order, the Office Order dated 9.8.2001 issued by the respondents, ~~especially~~ relating to the payment on proportionate basis for a period of four hours for the period

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(26)

indicated therein, i.e., from 20.1.2000 to 9.8.2001, is in contumacious disobedience. He has drawn our attention to the latter part of this order in which a proportionate sum of pay and allowances ~~were~~ have been paid by the respondents for the period from 20.1.2000 to 9.8.2001. His submission is that the petitioners have actually discharged their duties on full time basis and by Tribunal's order, the orders reducing their working hours have also been quashed and set aside.

2. On the other hand, Shri Ajesh Luthra, learned counsel has submitted that there was no intention to wilfully disobey^{the} the Tribunal's order. The respondents have understood that the orders dated 25.10.1999 and 19.1.2000, whereby the working hours of the petitioners were reduced have been quashed which, according to him, can only be read as prospective in nature and not retrospectively, as the question of the principle of application of 'equal pay for equal work' is concerned. He has, therefore, submitted that the way the respondents understood the order, there is no wilful disobedience, as the petitioners have been paid proportionate amounts of pay and allowances as ordered by the Tribunal vide order dated 10.4.2001 in OA-1109/2000.

3. We have carefully considered the submissions made by the learned counsel for the parties and re-read the aforesaid order of the Tribunal, in which one of us (Smt. Lakshmi Swaminathan, VC (J)) was a Member. We are unable to agree with the contentions of Shri Ajesh Luthra, learned counsel that the order of the Tribunal can be implemented in the manner the respondents have done in their order dated 9.8.2001. However, at the same time, we are also unable to agree with the contentions of Shri Pramod Gupta, learned counsel that, in the way the learned counsel for respondents has tried to explain the reasons for the action of the respondents, they have wilfully disobeyed the Tribunal's order justifying continuance of the Contempt Petition.

YB,

4. Having said what we have stated above in paragraph 3 above, there is no ambiguity in the observations made in para 6 of the order dated 10.4.2001 and nor can the same be interpreted in the manner the respondents have tried to do, i.e., from the prospective date and so on, having regard to the fact that the orders quashed and set aside that were those dated 25.10.1999 and 19.1.2000. Reasons have been given in that order which has led the Tribunal to quash the impugned orders reducing the work-load on the petitioners, who had been engaged on contract basis. Admittedly, no appeal has been filed by the respondents against the Tribunal's order and it has not been modified or set aside by the Hon'ble High Court or by the Hon'ble Supreme Court so far and in fact, the respondents have issued the Office Order dated 9.8.2001 in compliance with the Tribunal's order. In the facts and circumstances of the case, we dismiss the CP-195/2002 but with a direction to the respondents to pass further necessary orders in full compliance of the Tribunal's order dated 10.4.2001 in terms of payment of pay and allowances to the petitioners (applicants in OA-1109/2000) on full-time basis for the aforesaid period from 20.1.2000 to 9.8.2001. This shall be done within two months from the date of receipt of a copy of this order.

5. The rider issued by the respondents in the Office Order seems to be due to incorrect interpretation of the aforesaid order of the Tribunal and not due to contumacious and wilful disobedience of the order for which no justification is there to continue with this Contempt Petition. Accordingly, CP-195/2002 is dismissed. Notices issued to alleged consigned contemnors are discharged. File below to record room.

CP-194/2002

This CP has been tagged with CP-195/2002. As none has appeared on behalf of the petitioners in the CP, the same is dismissed for default and non-prosecution.

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2. Let a copy of this order be placed in CP-194/2002.

(S.A.T. Rizvi)
M (A)

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(Mrs. Lakshmi Swaminathan)
VC (J)

Principle
Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi 110001