

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

**Contempt Petition No. 291/38/2016
in
(Original Application No. 291/425/2005)**

Order Reserved on: 19.08.2020

Date of Order: 25.08.2020

CORAM

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER**

1. M.S. Rathore S/o Shri R.S. Rathore, resident of Shri Karni Colony, Shanti Nagar, Hasanpura, Jaipur, Rajasthan.
2. B.D. Sharma S/o Late Shri B.D. Sharma, resident of A-45, Shivaji Marg, Nehru Nagar, Jaipur, Rajasthan.
3. G.L. Jat S/o Shri Suja Ram resident of 27, Satya Colony, Heerapura, Ajmer Road, Jaipur, Rajasthan.
4. H.N. Purohit S/o Shri H.L. Purohit resident of 29, Chhatrasal Nagar, Malviya Nagar, Jaipur, Rajasthan.
5. Sanjeev Kumar Simnot S/o Shri K.S. Simnot, R/o III/87, G.S.I. Colony, Malviya Nagar, Jaipur, Rajasthan.

...Applicants

(Shri Amit Mathur, counsel for petitioners - through Video Conference)

Versus

1. Sh. Arun Kumar, Secretary, Ministry of Mines, A-wing, Shastri Bhawan, Dr Rajendra Prasad Marg, North Block, Secretariat, New Delhi.
2. Shri N. Kutumba Rao, Director General, GSI, 27, JLN Marg, Kolkatta, West Bengal.

3. Shri Brij Kumar, Add. Director General, GSI, 16-17, Jhalana Doongri, Jaipur.

...Respondents

(Shri N.C. Goyal, counsel for respondents – through Video Conference)

ORDER

Per: Hina P. Shah, Judicial Member

The petitioners have filed present Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985 stating that the order of this Tribunal dated 04.02.2010 passed in OA No. 425/2005 has not been complied with by the respondents. Hence, respondents are liable to be punished for contempt of court as they have deliberately flouted the orders of this Tribunal.

2. The operative portion of order dated 04.02.2010 (Annexure CP/1) passed by this Tribunal in OA No. 425/2005, whose non-compliance has been alleged by the petitioners in the present Contempt Petition, is reproduced below:

“7. Accordingly, the present OA is allowed and respondents are directed to grant pay scale of Rs. 5500-9000 w.e.f. 1.1.1996. The respondents shall pass appropriate order in that behalf and fix pay of the applicants accordingly and pay arrears on account of such fixation within a period of three months from the date of receipt of a copy of this order. The OA shall stand disposed of accordingly with no order as to costs.

3. It is stated by the petitioners that against the order of this Tribunal, the respondents approached the Hon'ble High Court of Rajasthan, Jaipur Bench and preferred a D.B. Civil Writ Petition No. 7534/2010 and the Hon'ble High Court dismissed the said Writ Petition vide its order dated 25th April 2016. The operative portion of the order dated 25th April, 2016 passed by the Hon'ble High Court is as under:

"In the light of the aforesaid facts, we are not inclined to cause interference in the impugned order passed by the CAT, Jaipur Bench. It is otherwise a case where the prayer made by the respondents has been adjudicated by the CAT at Jaipur Bench and on finding substance, relief has been granted. In any case, now the issue has attained finality with the judgment of Andhra Pradesh High Court on the same issue against the same department and having not been challenged before the Apex Court, we are not inclined to cause inference in the impugned order.

In the light of the aforesaid, both the writ petitions are dismissed so also the stay application."

4. The contention of the petitioners is that after dismissal of the aforesaid Writ Petition and despite the fact that six months have passed, the respondents have not taken any action to comply with the order passed by this Tribunal. Therefore, the inaction on the part of respondents amounts to wilful disobedience of the order of this Tribunal as well as Hon'ble High Court. Therefore, the respondents are required to be punished under Section 12 of the Contempt of Courts

Act, 1971 for disobeying the order of this Tribunal dated 04.02.2010.

5. The respondents, on the other hand, have filed their reply on 04.01.2019 as well as filed M.A No. 291/823/2018 on 19.12.2018 as well as Additional Affidavit on 03.05.2019 to substantiate their claim. As per the directions of this Tribunal dated 03.04.2019, the respondents have filed the said Additional Affidavit for compliance of order dated 04.02.2010. The respondents stated that along with said M.A No. 291/823/2018, they have brought the amended order dated 22.10.2018 on record, wherein the pay of the petitioners has been fixed w.e.f. 01.01.1996 in the pay scale of Rs. 5500-9000. The order dated 22.10.2018 has been annexed along with the said M.A as Annexure MA/R/1. The respondents further stated that the arrears in pursuance of the revision of pay has been paid to three petitioners namely H.N. Purohit, G. L. Jat and Sanjeev Kumar Simlot as per order dated 11.03.2019 (Annexure AFF R/1). In case of petitioner namely M.S. Rathore, payment has been made vide bill No. EPC 2019040001 dated 02.04.2019 for Rs. 51,911/-, which is mentioned in letter dated 10.04.2019 (Annexure AFF R/2). In case of petitioner namely B.D. Sharma, the arrears were Rs. 0.00 only (Annexure AFF R/3). Therefore, respondents submitted that though there was delay in compliance of the

order of this Tribunal but the same was only procedural delay for which they tender their unconditional apology. Therefore, since the order of this Tribunal dated 04.02.2010 has been complied with, therefore, the present Contempt Petition deserves to be dismissed and notices issued are required to be discharged.

6. We have considered the matter of alleged non-compliance or disregard of the order dated 04.02.2010 passed by this Tribunal in OA No. 425/2005 and seen the Additional Affidavit as well as documents annexed to the aforesaid Misc. Application. We are satisfied that substantial compliance of the order of this Tribunal dated 04.02.2010 has been made out by the respondents.

7. In view of the above, the present Contempt Petition is liable to be dismissed as we do not find any wilful or deliberate disobedience of the order of this Tribunal on part of the respondents. Therefore, the present Contempt Petition is dismissed. Notices issued are discharged.

(HINA P. SHAH)
JUDICIAL MEMBER

(DINESH SHARMA)
ADMINISTRATIVE MEMBER