

Central Administrative Tribunal
Principal Bench

CCP 337/94
in
OA 731/87

(A3)

New Delhi, the 24th April, 1996.

Hon'ble Shri A.V. Haridasan, VC(J)
Hon'ble Shri R.K. Ahoja, M(A)

1. Shri Surjit Singh
S/o Shri Kahan Singh
(General Secretary,
Northern Railway Class II
Officers Association)
Baroda House, New Delhi.
2. Shri R.K. Aneja
S/o Sh. Harbans Lal Aneja.
Baroda House, New Delhi. ..

Applicants

(Advocate:Shri Imtiaz Ahmed)

vs

Union of India:Through
Shri S.A.S Jaidi
Secretary, Railway Board
Rail Bhawan, New Delhi. ..

Respondents

(Advocate:Shri R.K. Dhawan)

ORDER (Oral)

Hon'ble Shri A.V. Haridasan, VC(J)

This CCP arises out of order passed on
30.7.93 in OA 731/87. The application was disposed
of with the direction to the respondents to accord
to the Group 'B' services of the Indian Railways
a scale of pay higher than the existing scale of
Rs.2375-3500 drawn by Group C service with effect
from the date of this judgement. The prescription

of the higher scale was to be done within four months from the date of receipt of the judgement and arrears due from that date was to be paid within a further period of four months. Alleging that by not implementing these directions have defied the order of this Tribunal under the Civil Contempt Petition has been filed.

The respondents on notice appeared and filed a reply to the Contempt Petition and also filed an additional affidavit reporting compliance. A copy of this order according to the existing Group 'B' service of the Indian Railways, the pay scale of Rs. 2375-3500 which is higher than the scale of Rs. 2000-3500 on 6.11.95 by the Ministry of Railways, issued to the GM directing disposal of the arrears resulting therefrom have been produced along with this compliance report. The respondents have tendered unconditional apology for the delay in implementation of the directions and have explained that the delay was for unavoidable reasons and not on account of any intention to delay the implementation.

2. Lt. counsel for the petitioner said that the respondents have not complied with the directions contained in the judgement in full in the case of UP Employees of the Indian Railways who are presently working in RDSO have not been given the benefit. The order dated 6.11.95 is not in full conformity with the directions contained in the order of the Tribunal as all the employees of the UP Service of Indian Railways have not been granted the benefit. If all the employees who are working in RDSO or in other organisations have not been extended the pay scales or given the other benefits resulting from the order though they belong to the Group 'B' service of the Indian Railways, they are at liberty to seek appropriate relief in a proceedings to be initiated in that behalf. In a contempt petition, the

(A5)

Tribunal would consider whether the respondents have complied with the directions of the Order of the Tribunal or have they any intention to defy the order in question. We do not find any such intention on the part of the respondents and we are also satisfied that the respondents have complied with the directions of the Tribunal. Hence, the CCP is dismissed and notice discharged needless to say that at the petitioners are liberty to seek appropriate relief in accordance with law for redressal of this grievance in ^{their} ~~any~~ appropriate proceedings. There will no order as to costs.

(A. V. Haridasan)

(R.K. Ahuja)
Member (A)

Vice Chairman (J)