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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
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C.C.P. No. 243/94  
in  
D.A.No. 734/88.

Date of decision: 2-8-95

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Delhi Administration Statistical  
Employees Association (Regd.),  
through its Member Sh. Y.R. Yadav .. Applicant

(By Advocate Shri R. Venkataramani with  
Shri S.M. Garg)

versus:

1. Mr. K. Venkatesan,  
Secretary,  
Ministry of Finance, Union of  
India (Department of Expenditure),  
(Implementation Cell), New Delhi.

2. Mrs. R. Thamarayakshi,  
Secretary,  
Ministry of Planning,  
(Department of Statistics),  
Union of India,  
Sardar Patel Bhawan,  
New Delhi.

3. Mr. P.P. Chauhan,  
The Chief Secretary,  
Govt. of National Capital  
Territory of Delhi,  
5, Sham Nath Marg,  
Delhi.

.. Respondents

(By Advocate Shri D.N. Trishal)

ORDER

[Hon'ble Smt. Lakshmi Swaminathan, Member (J)]

This is a contempt petition filed by the  
applicant Association of Delhi Administration  
Statistical Employees through its member complaining  
that the respondents have committed contempt inasmuch  
as they have not obeyed the directions issued by  
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the Tribunal in O.A. No. 734/88 on 6.10.1993. The Tribunal had disposed of the petitioner's original application with the following directions :-

" We direct the Respondent No. 1 in consultation with respondent Nos. 2 and 3 to re-examine the claim of the applicants for parity in the pay structure with the Assistant Superintendents and Investigators in the NNSO, in the light of the duties, responsibilities, functions, work-load etc. of the two sets of the employees and the other materials on record including the reports of the Successive Pay Commission, and to take an appropriate decision in the light of such examination. If the decision to accord parity in pay scales is taken it shall be given effect to from the date of our judgment."

2. According to the petitioner, the respondents have failed to carry out the directions of the Tribunal in their order dated 6.10.1993.

3. The respondents did not complete the examination of the issue within the period of 6 months as directed above. Hence, the respondents (Delhi Administration) filed M.A. No. 1309/94 and M.A. No. 2107/94 praying for extension of time which was granted by the Tribunal by order dated 4.5.94 and by order dated 11.9.1994. The respondents were allowed time upto 27.10.1994 to fully implement the judgment. According to the petitioner, in spite of extension of time for complying with the directions of the Tribunal, they submit that there has been no substantial compliance of the order and they allege that the non-compliance is wilful.

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In the circumstances, they have prayed that the Tribunal may call for the official records and see the steps taken by the respondents to comply with the orders of the Tribunal and then order initiating the contempt of court proceedings for the same.

4. In their reply, the respondents have stated that they have implemented the Tribunal's judgment dated 6.10.1993 by re-examining the claim of the applicants in the light of the directions given by the Tribunal. They state that after re-examination of the claim it was found that there could be no parity in the pay-scales between the applicants on the one hand and the Assistant Superintendents and Investigators in the NSSO on the other hand. They, therefore, have submitted that the CCP is misconceived and is liable to be rejected. The respondents have also attached a copy of the letter dated 22.9.1994 from the Additional Secretary, Ministry of Finance (Department of Expenditure) addressed to the Chief Secretary, Delhi Administration stating that the matter has been re-examined as directed by the Tribunal. After examining the service conditions

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and other materials on record, including the reports successive of the Pay Commissions, in the light of the directives given by the Tribunal, it has been stated in this letter that since the Fourth Pay Commission, even after examining the service conditions of both the categories of staff, had not found sufficient reasons to equate them in the matter of pay scale, it had been decided not to allow the applicants parity in pay scale with Assistant Superintendents and Investigators in the NSSO. The Chief Secretary, Delhi Administration, was requested to issue a speaking order that the Tribunal's directives had been implemented by the Govt in pursuance of this letter. The Joint Secretary, Planning Department of Delhi Administration issued the letter dated 16.11.1994 stating that the Ministry of Finance (Department of Expenditure), Government of India, in consultation with the Ministry of Planning, had informed that the matter had been re-examined in the light of the Tribunal's directives and since the Fourth Pay Commission had not found sufficient reasons to equate the pay scale of the applicants with those of Assistant Superintendents and Investigators in NSSO, it had been decided not to allow the applicants the parity in the pay scale with those other officials.

7. As directed by us, Shri D.N. Trishal, learned counsel for the respondents has produced the relevant file No. 12(4)-IC/94 containing the notes in connection

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with the implementation of the Tribunal's order dated 6.10.1993 for our perusal.

8. The main contention of Shri R. Venkateswami, learned counsel for the applicant is that till June, 1994 the respondents had taken a view that there was merit in the claim of the applicant and that the parity of pay scale should be granted to them with effect from the date of the judgment dated 6.10.1993. His submission is that there was no need for the respondents to further examine the matter, in which they have taken the decision to the contrary.

9. We have perused the relevant files referred to above. We find that although to some extent what the applicant submits that the thinking of the respondents upto June 1994 was in favour of giving parity of <sup>pay</sup> scale as claimed by the applicant, it will be relevant to mention that this was done at the level of the Under Secretary. However, the matter was further examined <sup>upto the Secretary</sup> at a higher level and in consultation with the other concerned Ministries. We find that such examination of the matter cannot be faulted and it may only be added that the respondents have, in fact, tried to examine the matter from all angles with a view to complying with the directions from the Tribunal. We are, therefore, satisfied that <sup>the</sup> directions of the Tribunal have been complied with, and merely because the applicant is dissatisfied with the method of compliance, does not mean that there

has been any wilful or contumacious disobedience of the Tribunal's order. After examining the issue, the respondents had taken a decision not to allow the applicant parity in paygrade with the Assistant Superintendents in NSSO, keeping in mind also the Fourth Pay Commissions Report which after examining the service conditions of both the categories did not find sufficient reasons to equate both the categories.

10. After having carefully considered the arguments of both the learned counsel and perusing the record in the case, we, therefore, find that the directions given in the O.A. have been complied with by the respondents and there has been no wilful or contemptuous disobedience of the orders in any way (see observations of the Supreme Court in Ashok Kumar Singh & Others v. State of Bihar and Others - 1992(1) SCC 152). In the circumstances, we do not find any good ground to pursue these proceedings any further. CCP is accordingly disposed of. Notice is discharged.

Lakshmi Swaminathan  
(Smt. Lakshmi Swaminathan)  
Member (J)

S.R. Adige  
( S.R. Adige)  
Member (A)