

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CCP No.278/91
OA No.783/88

Date of decision: 22.07.1992.

National Union RMS-MMS Employees ...Petitioners
Class III through Ram Lal Charge-hand MMS, Naraina

Versus

Union of India & Others ...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the Petitioners Shri Sunil Malhotra, Counsel.

For the Respondents Shri P.P. Khurana, Counsel.

O R D E R

The complaint in this case is that the directions of the Tribunal in OA No.783/88 dated 29.11.1990 have not been complied with. The directions relied upon reads as follows:-

"In the above view of the matter, we would direct the respondents to complete the process of job evaluation and fitment of the staff in commensurate scales of pay recommended by the Pay Commission for Artisans and Supervisors as expeditiously as possible, but not later than six months from the date of receipt of a copy of this order."

2. The judgement was rendered on 29.11.1990. On the ground that directions of the Tribunal have not been complied with this Petition was filed by the petitioners under the Contempt of Courts Act. After

notice to the respondents, we granted time to the respondents for complying with the directions till 2.7.1992. The clear effect of the order which we have made in these proceedings is to permit the respondents to make orders in compliance with the directions in the judgement till 2.7.1992. We shall now examine as to whether there has been due compliance.

3. The respondents have filed an affidavit, enclosing copy of the order dated 29.6.92 as Annexure-A to comply with the directions in the judgement. The order makes it clear that the President has prescribed the revised scale of pay of Rs.1400-2300 for the Chargehands in the Mail Motor Service of the Department of Posts with immediate effect. This, according to the respondents is in full compliance with the directions in the judgement. The learned counsel for the petitioner, however, maintains that this is not in full compliance with the directions of the Tribunal. He maintains that the order dated 29.6.92 is only prospective in character, as is clear from the language used in the order. He submits that the petitioners have been agitating this matter since long and, therefore, the obligation of the respondents to accord the revised scale of pay was not to accord relief from the date of the order. The directions of the Tribunal in the Original Application is clear and specific and do not suffer from any

ambiguity. These directions call upon the respondents to complete the process of job evaluation and fitment of the staff in commensurate scales of pay recommended by the Pay Commission for Artisans and Supervisors as expeditiously as possible, but not later than six months from the date of receipt of a copy of the order. The order does not say that the respondents were obliged to give the benefits of their decision from any retrospective date. This Tribunal, whenever it intended that the benefits should be accorded from a particular date, has always taken care to use appropriate language to direct the authorities to accord retrospective benefits from the particular date. As that has not been this case, done in / we must understand the directions having regard to the clear language used therein that the decision to be taken could be prospective in nature. As there is no direction to give any retrospective operation to the decision, the petitioners would not be justified in contending that prospective benefits conferred by the order dated 29.6.92 is not in full compliance with the judgement of the Tribunal.

4. It was also contended that as only six months' time was granted in the main judgement to take a decision which could have prospective effect, had to be taken within that time. If they have taken a belated decision for the purpose of giving full effect of the judgement of the Tribunal they should have given retrospective

effect at least from the date of expiry of six months given by the Tribunal. It is not possible to accede to this contention for the reason that we have granted time for compliance upto 2.7.92. We, therefore, see no good reasons to take the view that the order is not in full compliance with the judgement of the Tribunal. As we are satisfied that the judgement of the Tribunal has since been complied with fully, we see not good grounds to take further action under the Contempt of Courts Act. Hence we drop these Contempt of Court Proceedings. No costs.


(I.K. Rasgotra)
Member(A)


(V.S. Malimath)
Chairman

July 22, 1992.

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