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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CCP 191/93 in
OA 720/89

New Delhi, this the 27th day of September, 1994

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Delhi Veterinary Association
through Dr. R.D. Tripathi
S/o Sh. R.D. Tripathi, aged about 46 years
working as Veterinary Asstt. Surgeon
Delhi Administration

R/o B-D, Delhi Administration Flats
New Mahavir Nagar
Opp. Vikaskunj, New Delhi

.... Petitioner

By Advocate : Sh. S.S. Tiwari

Versus

1. Sh. M.S. Gill
Secretary
Ministry of Agriculture
Department of Agriculture and Cooperation
Krishi Bhawan, New Delhi

2. Sh. N.R. Ranganathan
Secretary
Department of Personnel, Public Grievances &
Pension, North Block
New Delhi

.... Respondents/
Contemners

By Advocate : Sh. P.H. Ramchandani

ORDER (ORAL)

Hon'ble Mr. Justice S.K. Dhaon

The complaint in this petition is that the directions which are contained in para 6 of the judgement delivered on 6.5.1992 have not been carried out. The directions no. (i), (ii) & (iii) are relevant and they are being extracted:-

- (i) Respondent No.1 are directed to consider the claim of the Veterinary Doctors (applicants), for the grant of risk allowance in the light of the discussion above and in terms of para 8 of their reply.

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- (ii) They shall take a final decision, and pass orders on the grant of the said allowance, within a period of six months from the date of receipt of a copy of this order by them.
- (iii) If the applicants are aggrieved with the decision/order referred to above, they would be at liberty to avail of the remedies under the Law, if so advised.

2. A number of affidavits have been filed in this contempt petition. The final picture which has emerged is that the Govt. of India have taken a decision not to grant any risk allowance to the applicants but has forwarded a recommendation to the 5th Pay Commission that it may consider the case of the applicants for being granted the risk allowance. It appears that on 11.5.94 Sh. R. Kandir, Under Secretary to the Govt. of India sent a communication to Sh. Ramchandani, Senior Advocate appearing on their behalf stating therein that the Govt. of India has agreed to the grant of Rs.150/- per month with retrospective effect to Veterinary Assistant Surgeons and Veterinary Officers in the Subordinate Offices and in the Animal Husbandry Department of the Union Territories. However, the letter made it clear that the said orders were being issued separately. It appears that the same officer later on took the stand that the Govt. has finally refused to accede to the request of the applicants to grant them risk allowance. In order to give a chance to the respondents to explain this discrepancy in the two different stands taken by Sh. R. Kandir, we on 9.8.94, passed an order directing him to explain the discrepancy between the two letters.

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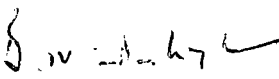
It is contended by the applicant that the stand taken by the Govt. of India through the letter of Sh. R. Kandir is an after thought. We have before us three documents namely, the letter dated 11th May, 1994 of Sh. R. Kandir to Sh. Ramchandani, the letter dated 15th July, 94 of Sh. R. Kandir to General Secretary, Delhi Veterinary Association and the letter dated 11th July, 94 sent by Sh. K.S. Dhatwalia, Deputy Secretary to the Govt. of India to Sh. Ramchandani. We have already referred to the letters of Sh. R. Kandir dated 11th May, 1994 to Sh. Ramchandani. The letter dated 15th July, 1994 sent by Sh. Kandir to General Secretary, Delhi Veterinary Association states that the Govt. of India have carefully considered the matter in the light of the judgement and decided not to accede to the grant of risk allowance to the Veterinary Doctors. The last letter of Sh. Dhatwalia, Deputy Secretary to the Govt. of India giving an explanation to the letter dated 11.5.94 of Sh. Kandir that the Deptt. of Personnel and Training had advised that the Govt. of India was agreeable to the grant of risk allowance to Veterinary Surgeons/Veterinary Officers and that is why Sh. Kandir had written a letter stating that an order to this effect will be issued separately. In para 2 of the letter it is recited that the Ministry of Finance (Deptt. of Expenditure) has opined that such an allowance should not be granted and to seek the opinion of the Law Ministry to file an SLP in this regard. The last para states that the letter dated 11.5.94 written by Sh. Kandir is treated to be withdrawn and effect should not be given to the contents of that letter. Sh. Ramchandani has urged at the Bar that it is a trite law that a decision of the Govt. of India must be in accordance with the Constitution. Therefore,


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a mere proposal in the form of letter sent by Sh. Kandir to him could not constitute an order of the President. It is not necessary to go into the legal issue. On the whole, we are satisfied that sufficient explanation has been offered by the respondents regarding the letter dated 11.5.94 from Sh. Kandir to Sh. Ramchandani.

3. Having considered the matter carefully, we are of the opinion that the respondents have not wilfully disobeyed the directions of this Tribunal in refusing to grant the risk allowance. The contempt petition is, therefore, dismissed. Notice of contempt is discharged.

No costs.


(B.N. Dhoundiyal)
Member(A)


(S.K. Dhaon)
Acting Chairman

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