

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 462/2005

OA 1502/2004

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New Delhi, this the 31st day of March 2006

HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)
HON'BLE MR. N.D. DAYAL, MEMBER (A)

1. N.S. Ravi
2. Ms. B.N. Manjulatha
3. Ms. B.S. Ramamani
4. Om Prakash Mishra
5. Rajiv Thukral
6. Ms. Madhu Bala
7. Ms. Seema Goel
8. Ms. Kanta Suneja
9. Girdhari Lal
10. Ms. Swaran SHarma
11. Ms. Usha
12. Pradeep Kumar
13. Ms. Sunita Soni
14. Sanjay Kumar
15. Amarpal Mann
16. Ms. Sunita Aggarwal
17. Ms. Jaswinder Nigam
18. Raj Kumar
19. Ravi Kalra
20. Ms. Tara
21. Ms. Machula
22. Ms. Shubh Lata Sharma
23. Suresh Bisht
24. Ms. Aruna Goklani
25. Parveen Kakkar
26. Thomas Abraham
27. Ms. Rama Devi Amma
28. Ms. Vasantha Kumari
29. J.L. Verma
30. Ms. L. Mantombai Devi
31. Samuel Masih
32. Ms. Kawaljit Kaur
33. Ms. Nirmal Sharma
34. Ramesh Kumar, Steno.
35. Ms. Gurjit Kaur
36. Kewal Krishan Gudiala
37. Satish Kumar Seth

All working in the Stenographer Grade
With the Sports Authority of India,
Jawaharlal-Nehru Stadium, New Delhi-110 003.

...Applicants

(By Advocate: Shri L.K. Singh)

VERSUS

1. Sh. B.K. Singh,
The Secretary, Sports Authority of India,
Jawahar Lal Nehru Stadium
Lodhi Road Complex, New Delhi-110 003.

2. Sh. A.S. Bisht,
Assistant Director (Personnel),
Sports Authority of India,
Jawahar Lal Nehru Stadium
Lodhi Road Complex,
New Delhi-110 003.

... Respondents.

(By Advocate Shri Anil Grover)

O R D E R (ORAL)

By Hon'ble Mr. Mukesh Kumar Gupta:-

This CP has been filed alleging willful disobedience of directions issued by this Tribunal vide order dated 14.7.2005 in OA No.1502/2004. It is contended that this Tribunal vide aforesaid order recorded a categorical finding that the amounts already paid to applicants vide pay scale of Rs.1640-2900/- shall not be recovered even after re-fixing their pay in the scale of Rs.1400-2600/-. The intent & purport of the said order was that the amount, which "stood already paid to the applicants till the disposal of the OA" should not be recovered. It is further contended that the respondents issued office order dated 26.8.2005 stating that: "amount paid beyond 30.6.2004 shall be recovered now."

2. Shri L.K. Singh, learned counsel for applicants forcefully urged that the above part of the order dated 26.8.2005 is a patent contempt keeping in view the direction issued by this Tribunal on 14.7.2005.

3. The respondents contested the said stand, stating that direction issued by this Tribunal on 14.7.2005 has not been violated. They also tendered unconditional apology. It is further contended that it had been applicants' own understanding that there was no direction issued by this Tribunal to the payment made post 30.6.2004.

4. We have heard learned counsel for both sides and perused the pleadings carefully.

5. Before proceeding further it would be expedient to notice the directions issued vide para-13 of the aforesaid order dated 14.7.2005, which reads thus:-

"13. In the result, for the foregoing reasons, OA is partly allowed. Relief of quashing the impugned orders and direction to respondent no.1 to afford hearing to applicants regarding comparison of their




work and duties is turned down. However, recovery ordered against applicants is set aside. If any amount is recovered from them, the same shall be refunded to them. No costs." (emphasis supplied).

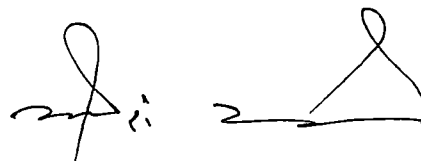
6. We may note that applicants, Stenographers in Sports Authority of India, had assailed orders dated 15.4.2004, 27.5.2004 and 3.6.2004 withdrawing the pay scale of Rs.1640-2900/-. Their contention had been that they were entitled to the said pay scale on parity with Stenographers of Central Secretariat Services. Shri Anil Grover, learned counsel for respondents is justified to contend, that the said prayer had not been granted by this Tribunal.

Shri L.K. Singh, learned counsel for applicants drew our attention to the interim relief prayed for in the OA to the effect that "restraining respondents from recovering any amount already paid to them as contemplated to be recovered in the impugned office memorandum" had not been granted and yet they continued to pay higher pay scale and therefore the recovery aspect was covered by the directions issued under para-13 of the aforesaid order. It was contended that the term 'recovery ordered' under said para would also include the higher pay allowed after 30.6.2004 too.

7. On consideration of the entire matter, we are of the considered view that there has been no willful disobedience or violation of the directions issued. What has been set aside vide aforesaid order was 'recovery ordered' vide the impugned orders and not otherwise. Since the applicants were not allowed the higher pay scale of Rs.1640-2900/-, erroneous payment made thereunder cannot be also included vide order dated 14.7.2005.

8. We accordingly hold that there was no willful disobedience on the part of respondents in passing the order dated 26.8.2005. Accordingly, CP is dismissed and notices to respondents are discharged.


(N.D. Dayal)
Member (A)


(Mukesh Kumar Gupta)
Member (J)