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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

1) CCP NO. 262/93 in OA NO. 529/92
2) CCP NO. 263/93 in OA NO. 2865/91

New Delhi this the 1st day of December, 1993.

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

1) CCP NO. 262/93 in OA NO. 529/92

K. L. Sharma S/O Late Shri
Devi Ram, Resident of
587/B, W.NO. 3, Mehrauli,
New Delhi - 110030. ... Petitioner

By Advocate Shri P. P. Khurana

Versus

Union of India through
Shri N. R. Ranganathan,
Secretary, Deptt. of
Personnel, Ministry of
Personnel, Public Grievances
& Pensions, North Block,
New Delhi - 110011. ... Respondents

By Shri V. R. Reddy, ASG with Shri
V. G. Pragasam, Advocate

2) CCP NO. 263/93 in OA NO. 2865/91

Sita Ram Dheer S/O Late Shri
C. L. Dheer, Resident of
R-Z/8-95, Mahavir Enclave,
Palam, New Delhi - 110045. ... Petitioner

By Advocate Shri P. P. Khurana

Versus

Union of India through
Shri N. R. Ranganathan,
Secretary, Deptt. of
Personnel, Ministry of
Personnel, Public Grievances
& Pensions, North Block,
New Delhi - 110011. ... Respondents

By Shri V. R. Reddy, ASG, with Shri
V. G. Pragasam, Advocate

ORDER (ORAL)

Hon'ble Mr. Justice V. S. Malimath :-

In these two contempt of court petitions, the

✓ petitioners have sought enforcement of the judgment

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of the Tribunal in O.A. Nos. 2865/91 and 529/92 decided on 4.2.1993. The operative portion of the directions is contained in paragraph 11 of the judgment which reads :-

"11. In view of the aforesaid analysis of the facts and arguments of the case we direct the respondents to consider the revision of pay scales of Assistants/Stenographers Grade 'C' in the Tribunal to Rs.1640-2900 from 1st January, 1986, at least notionally from 1.1.1986 and effectively from a date not later than 1st January, 1992 (one year prior to the date of filing of the amended application)."

In pursuance of these directions, the Government examined the question and took the decision not to grant the higher scale of pay. It is in this background that these two contempt of court petitions were filed by the petitioners. When these matters came up for consideration before the Bench on the last occasion and Shri V. R. Reddy, the learned Additional Solicitor General appeared for the respondents, we expressed the view that the Government should have a fresh look at the entire matter and re-examine the question in the light of the directions issued by the Tribunal. In deference to the wishes of the Bench, the Government has re-examined the entire question and passed an order on 29.10.1993 by which they have given the benefit of the higher scale of pay of Rs.1640-2900 with effect from 1.1.1992 subject to the condition that the recruitment rules for the posts of Assistants/ Stenographers Grade 'C' in the Tribunal shall be brought at par with the rules governing the recruitment of Assistants/Stenographers Grade 'C' in the Central Secretariat. This, according to the respondents, is

in full compliance with the judgment of the Tribunal. On behalf of the petitioners, however, it is maintained that there was a positive direction to the respondents to accord the benefit of the higher scale of Rs.1640-2900 notionally w.e.f. 1.1.1986 and actually w.e.f. 1.1.1992. If that is the nature of mandamus, it is obvious that the grant of scale of pay of Rs.1640-2900 w.e.f. 1.1.1992 would not be in accordance with the judgment of the Tribunal. The learned Additional Solicitor General appearing on behalf of the respondents, however, maintains that the mandamus issued by the Tribunal was only to consider the grant of the higher scale leaving it to the best judgment of the Government to decide as to whether such higher scale should be accorded, and, if so, from what date. He, therefore, maintains that there has been full compliance with the judgment of the Tribunal and that the respondents have not committed contempt.

2. Our attention was drawn to a judgment of the Cuttack Bench of the Tribunal in RA No.12/93 between Union of India & Ors. and Shri Sukhdev Sarangi. Shri Sarangi was also a Stenographer Grade 'C' like Shri Dheer, the petitioner in CCP No. 263/93 before us. The learned Member of the Cuttack Bench of the Tribunal following the judgment of the Tribunal which is sought to be enforced in these proceedings, issued a mandamus to the respondents to accord the benefit of the higher scale of Rs.1640-2900 with effect from the date of appointment of Shri Sarangi, namely, from 4.8.1986. The said judgment of the learned Single Member was challenged by the Union of India in R.A. No. 12/93

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principally on the ground that the mandamus issued by the learned Single Member was not consistent with the directions issued by the Tribunal in O.A. No. 2865/91 and 529/92. That contention was over-ruled and the decision of the Single Member was affirmed by the Division Bench in R.A. 12/93 vide their judgment dated 18.6.1993. We are informed by the learned Additional Solicitor General that the said judgment has been challenged by the Union of India before the Supreme Court and that the SLP is pending. The argument advanced on behalf of the Union of India before the Cuttack Bench that there was no mandamus to grant the benefit of the higher scale of pay from 1.1.1986 or from the date of appointment of the person concerned was rejected. The Cuttack Division Bench took the view that there was such a mandamus in favour of the persons who were petitioners before the Principal Bench. In this background, it is obvious that the Supreme Court is seized of the matter and would be pronouncing upon the correct and appropriate interpretation of the judgment of the Tribunal which is sought to be enforced in these cases. In that view of the matter, we consider it appropriate to close these proceedings with liberty to either of the parties to move for revival of these proceedings if that becomes necessary in the light of the decision to be rendered by the Supreme Court in the SLP filed by the Union of India against the judgment of the Cuttack Bench. It is obvious that once the Supreme Court pronounces on the interpretation of the judgment of the Principal Bench of the Tribunal, all the parties

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would be bound to regulate their rights in accordance with the said decision. In that view of the matter, it may not become necessary for any of the parties to pursue these proceedings.

3. For the reasons stated above, we close these proceedings reserving liberty to either of the parties to move to revival of these proceedings if that becomes necessary in the light of the decision rendered by the Supreme Court in the SLP filed by the Union of India against the judgment of the Cuttack Bench of the Tribunal.

M. Malimath

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

(*V. S. Malimath*)
Chairman

/as/