

OPEN COURT

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Dated : Allahabad this the 20th day of November, 1996.

Coram : Hon'ble Mr. S. Das Gupta, Member-A
Hon'ble Mr. T. L. Verma, Member-J

CIVIL CONTEMPT PETITION NO. 71 of 1996.

Smt. Sundari Devi, Sweepstress,
INcome Tax Office, Ghazipur.Applicant.
(Through Sri S. S. Tripathi)

Versus

1. Mohd. Sohrab Khan, Income Tax
Officer, Ghazipur.
2. Sri R.K. Srivastava, Commissioner
Income Tax, Allahabad Charge,
Allahabad.Respondents/
Opposite parties.

(Counsel for the respondents Sri U.N. Sharma & Sri
Amit Sthalekar)

IN

ORIGINAL APPLICATION NO. 1200 of 1993

Smt. Sundari DeviApplicant.

Versus

Union of India and othersRespondents.

(By Hon. Mr. S. Das Gupta, Member-A)
O R D E R (Oral)

This contempt application arises out of the
judgement and order dated 31.8.1995 by which a bench

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of this Tribunal had allowed O.A.No.1200 of 1993. The direction contained in the aforesaid order is as follows :-

"The respondents are, therefore, directed to give minimum salary of regular Class IV employee to the applicant from the time when fulltime work was taken from her.

The O.A. is ~~@@@~~ disposed of accordingly. The respondents are directed to make compliance within a period of 3 months from the date of receipt of this judgment."

2. It has been alleged in the contempt application that the respondents have not complied with the aforesaid direction although the said order was communicated to them vide her application dated 21.9.1995. It has also been contended that subsequently the respondent No.1 delivered a cheque for Rs. 59,232/- only which was not sufficient therefore, the applicant filed a representation to know the details of the bills. Thereafter she obtained a photo copy of the bill and on its perusal it transpired that the payment of minimum of pay-scale of Rs.750/- and Dearness Allowance only have been ~~paid~~ ^{made} but, no other allowances and benefits.

3. The respondents have filed a counter-affidavit in which it has been stated that the applicant was engaged as Full Time Daily Wager only with effect from 1.10.1989 vide I.T.O. Ghazipur order dated 19.10.1989 and thereafter she has been paid the minimum of the pay-scale applicable to Class IV employees with effect from 1.10.1989. It has been further averred that the applicant has been paid basic salary of Rs.750/- together with the Dearness Allowance as admissible, House Rent

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Allowance, Interim Relief, Additional Interim Relief and also bonus with effect from 1.10.1989 till date with arrears amounting to Rs. 59,332/- of basic pay as well as Dearness Allowances. It has also been averred that she has also been paid Rs. 6050/- (by way of interim relief and Additional Interim Relief) and House Rent Allowance of Rs. 5880/- together with bonus amounting to Rs. 7,444/-.

4. The applicant has filed a rejoinder-affidavit in which it has been stated that the order of the Tribunal has not been complied with as the applicant has not been given the benefit with effect from 1.1.1984.

5. We heard the learned counsel for both the parties and perused the record.

6. We have seen from the order of the Tribunal giving rise to this contempt application that admittedly on the request of the applicant, the Income Tax Officer Ghazipur sanctioned ^{Full Time} work in his office since 1.10.1989 whereas she was actually working with effect from 1.4.1984 as a part time Contingency Paid Sweeper. The operative portion of the order is based on this admitted fact. The learned counsel for the applicant argued that the applicant was actually employed on ^{Full} Time basis with effect from 1.1.1984 as would be evident from the list of 64 persons so employed including the applicant which is annexed to the O.A. itself.

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7. Whether or not the applicant was appointed with effect from 1.1.1984 on full time basis as contended by the learned counsel for the applicant or with effect from 1.10.1989 on such basis as contended by the learned counsel for the respondents is a matter which cannot be adjudicated within the compass of this contempt application. The documents which have been annexed to the O.A. were available before the bench which had heard and decided the O.A. by its order dated 31.8.1995. However, the bench which had decided this case made an observation in para 3 of its order that the sanction of full time work was with effect from 1.10.1989. This would indicate that the applicant was actually appointed on ^{Full Time} work with effect from that date.

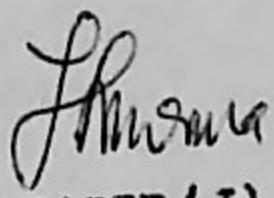
8. On going through the pleadings on record, we are satisfied that the order passed by the Tribunal has been substantially complied with. We, however, cannot but observe that the list annexed to the O.A. would tend to indicate that the applicant was among 64 persons who were appointed on various date as Sweeper. In case the learned counsel's contention is that all the 64 persons including the applicant are on same footing and are given minimum of the scale of pay right from beginning, we would only expect the respondents to examine this matter and in case any truth in this contention is found, it would only be fair to redress the grievance of the applicant.

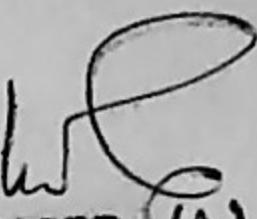
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9. With the above observations, the contempt proceedings are dropped. Notices issued to the respondents are discharged.


MEMBER (J)


MEMBER (A)

Dt/- Nov. 20th, 1996.

(pandey)