

Open Court

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 29th Day of May, 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Civil Contempt Application No. 38 of 1999.

in

Original Application No. 57 of 1992.

1. Asim Kumar Banerjee
son of Sri K. Banerjee,
R/O 117-K/93 R.K.Puram Sarvodyanagar,
Kanpur.
2. Ambika Prasad Tripathi,
son of Sri S.B. Tripathi,
R/O 197/M, 'M' Block Kirtinagar
Kakdev Kanpur.

. . . Applicants.

Counsel for the applicants: Sri Sudhir Agarwal, Adv.

Versus

1. Sri C.T. Benjamin, Secretary,
Ministry of Industries, Industries Department
Small Scale Industries & Small Agro and Rural
Industries, Government of India, Udyog Bhawan,
New Delhi.
2. Sri K.V. Irni Rayar,
Development Commissioner,
Small Scale Industries,
Nirman Bhawan,
7th Floor, Maulana Azad Road,
New Delhi.
3. Dr. C.S. Prasad, Additional Development
Commissioner, Small Scale Industries,
Nirman Bhawan, New Delhi.
4. Smt. Madhurika Sukalp, Director (P.)
Ministry of Finance, New Delhi.
5. Sri A.K. Sinha, Director, Finance,
Ministry of Industries,
New Delhi.

6. Sri Arun Kumar,
Joint Development Commissioner (Admn.)
In the Office of Development Commissioner,
(Small Scale Industries), Nirman Bhawan,
New Delhi.
7. Sri D.K. Gautam, Dy. Director (Admn.)
In the Office of Development Commissioner,
Small Scale Industries, Nirman Bhawan,
New Delhi.

. . . Opp. Parties.

Counsel for the Opp. Parties: Sri Amit Sthalekar, Adv.

Order (Open Court)

(By Hon'ble Mr. S. Dayal, A.M.)

This contempt petition has been filed for punishing the Opposite parties for committing contempt of order dated 28.8.98 passed by the Division Bench in O.A. 57 of 1992. The Division Bench in paragraph 13 gave the following directions:-

"In such circumstances, it is a case of violating of Article 14 and 16 of the Constitution of India, hence we direct that the Central Government should appoint a committee to consider the grievances of the cadre of SIPOs keeping in mind the representations filed by them before the IV Pay Commission and the terms and conditions mentioned for IV Pay Commission which are attached to this order as mentioned by the applicant in para 12 of the application as Annexure-i a-3 Pay fixed of other ~~xxx~~ officials in higher grade. The said committee shall decide the matter within six months from the date of communication of the order to the Central Government. The applicants shall be entitled to the relief as per recommendation of the said committee and costs of this petition amounting to Rs.650/- (Rupees 500/- as legal practitioner's fee plus Rs.150/- as other expenses."


-3-

2. The arguments of learned counsel for the applicants and learned counsel for the Opp. Parties have been heard.

3. Learned counsel for the applicants referred to para 2 Section 2(b) of Contempt Court's Act 1971 to contend that not only directive part but any part of the judgment, decree, direction, order, writ or other process of a Court can be wilfully disobeyed and will become actionable under Contempt of Court's Act. He referred to para 9 and 10 of the order of the Tribunal to contend that the findings of the Tribunal was that the case before it fully covered by authority of V.P. Panchal and others Versus Union of India (1996)34 A.T.C. 544 and that after recommendations of the Pay Commission was accepted by the Government of India there was unjust treatment of subsequent arbitrary action. He has also drawn attention to paragraph 13 of the order in which it has been stated that in the circumstances it was a case of violation of Article 14 and 16 of the Constitution of India. The learned counsel for the applicants contended that in view of these findings the only option left for the respondents was to fix the pay scale of either Rs.2000-3200 or Rs.2000-3500 for small industries promotion officers. The committee appointed by the department acted as appellate authority over the findings of the Tribunal and thereby committed contempt.

4. The learned counsel for the Opp. Parties has invited attention to the direction of the Division Bench contained in the final part of paragraph 13 for appointment of a committee to consider grievances of the cadre of S.I.P.Os. keeping in mind the representations filed by them before the IV Pay Commission and the terms and conditions mentioned for IV Pay Commission which are attached to this order as mentioned by the applicants in para 12 of the application. The Committee was given a time of six months to decide the matter. The department has fully complied with the directions of the Division Bench and has appointed a Committee. The Committee has considered in detail the position of Small Industries Promotion Officer vis-a-vis the posts said to have been given a higher pay scale and has given specific decision with regard to each of the posts mentioned by the applicants as alleged to have been given discriminatory pay scales.

5. We have considered the contentions of the learned counsels. We find that the Division Bench of the Tribunal could have given specific directions regarding grant of pay scale of Rs.2000-3200 or Rs.2000-3500 or either of these two scales after examination of the representations of the applicants but did not choose to do any of these but directed the Central Government to appoint a Committee to consider the grievances of the cadre of S.I.P.Os. in the light of representations filed by the applications before IV Pay Commission



-5-

and the terms and conditions mentioned for IV Pay Commission and the Committee was given the direction to decide the matter within six months without any limitations with regard to the subject matter.

6. Under the circumstances, we can not persuade ourselves to hold that the Opp. Parties have committed any contempt in this case. The contempt petition is, therefore, dismissed. The notices issued are discharged.


Member (J.)


Member (A.)

Nafees.