

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CPC 59 OF 2005 (OA 1014 OF 1996)

Date of order : 30.11.06

Present : Hon'ble Mr. B.N.Som, Vice-Chairman
Hon'ble Mr. B.V.Rao, Member (J)

DIPTARUP KAHALI & ORS

VS

MR. P.K.HOTA & ORS

For the petitioners : Mr. S.K.Dutta, Counsel

For the respondents : Mr. B.Mukherjee, Counsel

ORDER

B.N.Som, VC:

This Contempt Petition has been filed by the petitioners of OA alleging deliberate, willful and contumacious violation by the respondents of the order dt. 6.7.04 passed by this Tribunal in the OA for extending the benefit of the revised pay scale of Rs.2200-4000/- in favour of the petitioners keeping in view the recommendation of the respondents dt. 7.9.94 and also the order dt. 25.3.94 by which the same benefit has already been extended to the similarly placed persons working in other medical institutions treating the OA as a representation of the petitioners.

2. It is alleged that even though the Tribunal directed the respondents to communicate their decision to the applicants within a period of two months from the date of communication of that order, and even after several extension of time to implement the order having been taken by the respondents, they have not complied with the direction of the Tribunal dt. 6.7.04.


3. The respondents/alleged contemnors by filing a detailed reply have denied and disputed the allegation. They have submitted that they have taken action as per direction of the Tribunal. The process of examining the proposal involved ^{consultation} consulting with various Ministries which took some time and that the delay was not intentional but only procedural. As the nodal Ministry is the M/o Finance, they had to consult the said

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Ministry. However, after considering the proposal to grant the upgraded scale to the applicants, the said Ministry of Finance, referring to para 69.23 of the report of 5th Central Pay Commission, held that no parity could be given between the post carrying medical degree as essential qualification vis-à-vis non-medical demonstrators. In the circumstances, they have communicated the decision to the applicants by issuing a reasoned order dt. 20.9.05 stating the circumstances in which the parity of pay scale was not possible to be extended to the applicants as was granted to their counterparts in Moulana Azad College who are required to have medical degree as essential qualification.

4. The alleged contemnors/respondents have also tendered their unqualified apology for the delay and have submitted that they have high regard for the Tribunal.

5. Having regard to the above facts of the case and as there is substantial compliance of the order of the Tribunal, this CP deserves to be dismissed as dropped and we order accordingly.


MEMBER(J)


VICE CHAIRMAN