

Central Administrative Tribunal, Lucknow Bench, Lucknow

CCP No. 6/2004 in O.A. No. 558/2002

this the 19th day of April, 2004

HON'BLE SHRI S.P. ARYA, MEMBER (A)

HON'BLE SHRI M.L. SAHNI, MEMBER (J)

H.K. Mishra and others

....Applicants

By Advocate: Sri Mohan Agrawal

Versus

1. Shri Vinod Vaish ,Secretary, Ministry of Communication, Telecom, Sanchar Bhawan, 20, Ashoka Road, New Delhi.

2. Sri V.P. Sinha, Chairman and Managing Director, Bharat Sanchar Nigam Ltd. 148 B, Statesman House, Bara Khamba Road, New Delhi.

3. Sri V.K.Shukla , Chief General Manager (Telecom) Bharat Sanchar Nigam Ltd. Eastern U.p. Circle, Hazratganj, Lucknow.

...Respondents

By Advocate: Sri G.S. Sikarwar

ORDER (ORAL)

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

The applicants have moved this contempt petition alleging that the orders passed by this Tribunal in O.A. No. 558/2002 on 14.11.2002 have not been complied with, so much so that the decision of the Principal Bench in O.A. No. 1442/2002 has not been taken into consideration. The order in the said O.A. was "the respondents shall decide the representation of the applicants within a period of three months from the date of receipt of this order, along with copy of the representation dated 10.3.97 and copy of the decision of Principal Bench."

2. The relief claimed by the applicants in the O.A. was for grant of a pay scale equal to the pay scale of Assistants in the Central Secretariat Services. Identical question was involved in the

O.A. No. 1442/2002 filed before the Principal Bench.

3. We have heard counsel for the parties and perused the pleadings.

4. Counsel for the respondents has argued that since the matter pertains to the the BSNL and B.S.N.L.

has not been notified under section 14(2) of the AT Act, 1985, the CCP, therefore, cannot be entertained

by this Tribunal. He has relied on the orders in CCP

No. 231/2002 in O.A. No. 209/2002 where the contempt petition was rejected^h as it was not found legally

maintainable^h. However, we find that the order for

granting pay scale have already^{been} issued on 14.7.2003

(Annexure -4) and the representation of the applicants

has been decided by order dated 12.4.2003, which is a speaking order. It has also taken into consideration

the orders passed by the Principal Bench in O.A. No.

1442/2002. In the circumstances, we find no wilful

disobedience on the part of the respondents for

proceedings under contempt. Contempts are dropped.



(M.L.Sahni)

Member (J)



(S.P.Arya)

Member (A)