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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH-LUCKNOW.

C.C.A.No. 23 of 1992.

K.C.Agrawal..... Applicant.

Versua

Y.P. Anand & others..... Opp. Parties.

Hon'ble Mr. Justice U.C.Srivastava-V.C.
Hon'ble Mr. K. Obayya -A.M.

(By Hon'ble Mr. Justice U.C.Srivastava-V.C.)

By this contempt application the applicants have made a complaint that the directions given by this Tribunal in the O.A. which has been filed by the applicant have not complied with, in ~~ex~~ the O.A. filed which was decided by a Bench of this Tribunal vide its judgment dated 6.5.91 following directions were given:-

- (1) To consider and award an appropriate scale of pay above Rs. 425-700 to DAC redesignated as D in Annexure C-2 dt. 4.10.74 with effect from 1.1.1973;
- (2) To make notional fixation of applicants' salary in the scale awarded under (1) w.e.f. 1.1.73 and award the financial benefits with effect from the first day of the month of the year of filing of the Writ Petitions respectively by ~~xxxx~~ each of the applicants;
- (3) To comply with these directions within a period of six months from the date of receipt of a copy of this judgment bearing in mind the observations contained in the body of this judgment.

2. The grievance of the applicant is that the order passed by this Tribunal has not been complied with and accordingly the respondents may be punished. This application was moved on 27.4.92. The respondents in their reply have stated that some delay did take place in implementing the judgment and accordingly the application for extension of the respondents' time for complying with the judgment passed.

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by this Tribunal was moved and immediate action was taken in allotting the scale, in terms of para 14 of the said judgment and accordingly the scale of Rs. 425-700 which is above the scale of Draftsman (A) (scale of Rs. 425 to Rs.700) below the scale of 550-770 was allotted to the petitioner and thus the posting order has been issued vide staff posting order no. 25/92 dated 17.2.92 even prior to the filing of the contempt application. The judgment has also been filed before the Tribunal on 18.2.92 admitting that their SLP has been dismissed, but the respondents have reiterated with the order passed by the Tribunal and has been fully complied with and the compliance report to this effect was also filed before this Tribunal on 18.2.92 before filing of the contempt application. In the rejoinder the applicant has stated that the respondents have tried to confuse the issue that the respondents have not complied fully with the direction given by the Tribunal and attempted to confuse the issue and that they have rather to conceal the real fact flimsily in allotting the appropriate pay scale to the petitioner. Thus the grievance of the applicant is that no compliance has been made and according to him the judgment has not been correctly read and has not been correctly complied and the correct application which has been made by the applicant who has been placed for higher pay of scale. Thus it is a case of no compliance. In case even if the applicant's version is accepted that it is a case of no compliance or ~~is~~ disregard of the order passed by this Tribunal. At the best it can be said to be a case of mis-representation to the the judgment in its application which is not of the liking to the applicant. If the judgment has been mis-interpreted, but the directions have been complied with in any manner which has been read by the respondents. It will not be a case under Contempt of Court Act though the applicant can challenge the same in appropriate proceedings. As no clear case under Contempt of Court Act has been made out, the application is consigned and the notices are discharged.

Member (A).
Dt: 7.8.92.
(AR)

Vice Chairman.