

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

C.C.P.NO.: 54 of 2012

[Arising out of OA 333 of 2006] *Ans*
[Patna, this Tuesday, the 31st Day of ~~August~~, 2012]

July

C O R A M

HON'BLE MR. A.K.JAIN, MEMBER [ADMN.]

HON'BLE MRS. URMITA DATTA (SEN), MEMBER [JUDL.]

Vishwajit Kumar,
S/o Shri Bijay Shankar
& 4 [Four] Ors.

Vs.

Shri Shashi Kant Sharma, the Secretary, Ministry of
Defence [Finance Division], 101, South Block, New Delhi-110 001 &
Ors.

Counsel for the petitioners :- N o n e.

Counsel for the respondents:- Shri S.C.Jha, ASC.

O R D E R [ORAL]

A. K. Jain, Member [Admn.] :- This contempt petition has been filed by the petitioners for non compliance of the order passed by this Tribunal in OA 333 of 2006. Relevant extract of the order is as follows :-

"6. In the result, the OA is allowed and the impugned letter dated 15.12.2008 [Annexure-A/9] is set aside with the directions to the respondents to consider the cases of the applicants by a duly constituted screening committee in terms of ACP Scheme in view of issuance of Annexures-A/6 and A/7 for granting the first financial up-gradation to the applicants with effect from the due date in the pay scale of Rs.5000-8000 as per the ACP Scheme within a period of three months from the date of receipt of this order.

7. The applicants are directed to make available a copy of this order to the respondents within ten days from the date of receipt of certified copy of this order. No order as to costs."

2. Learned counsel for the respondents during the course of hearing filed reply to the show cause notice which has been taken on record. It has been mentioned therein that as per direction of the Tribunal, financial up-gradation to the applicants of the OA with effect

Ans

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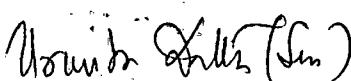
from the due date has been allowed vide Part II O.O.No.262,dated 08.05.2012, and its consequential financial benefits and arrears of pay and allowances would be paid to the petitioners shortly after obtaining their option for fixation of pay. It further appears from the order passed by the authorities that this fixation of pay is completely provisional and subject to outcome of proposed SLP to be filed in the Apex Court.

3. We observe that though the orders have been issued, the confirmation of payment is not there. We also do not appreciate the condition put in the order that it will be subject to outcome of the proposed SLP. Such an observation after dismissal of the writ petition in the High Court is not appropriate or it should have been made after appropriate SLP has been filed in the Court and listed.

4. Learned counsel for the respondents informs that he has obtained the consent of the learned counsel for the petitioners that the matter may be disposed of if so considered by the Tribunal based on the compliance report filed by the respondents.

5. Considering the submissions made by the learned counsel for the respondents and the reply of the respondents, we are of the view that there has been substantial compliance of the order.

6. The contempt petition is, therefore, disposed of. Notices issued to the respondents stand discharged.


[Urmita Datta (Sen)]/M[J]


[A.K.Jain]/M[A]

skj