

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 881/2000, 882/2000, and 883/2000

THURSDAY the 4th day of APRIL 2002

CORAM: Hon'ble Shri S.l. Jain, Member (J)

1. R.P.. Singh
5/B.Jeevan Jyot Building
Setlavad Road,
Napeansea Road, Mumbai.Applicant in
..... OA 881/2000
2. M.B. Sagar
25/1 - AIR INDIA quarters
Santacruz (East), Mumbai.Applicant in
..... OA 882/2000
3. A.P. Pawar
Venus Apartments
Near Hotel President
Colaba, Mumbai.Applicant in
..... OA 883/2000

By Advocate Shri P.A. Prabhakaran.

V/s

Union of India through
The Secretary,
Government of India,
Ministry of Civil Aviation
New Delhi.

....Respondent.

By Advocate Shri P.M. Pradhan.

ORDER (ORAL)

{Per S.L.Jain, Member (J)}

These are three OAs (OA 881/2000, 882/2000 and 883/2000) filed by applicants for the declaration that the impugned orders dated 4.8.1999 and 6.12.1999 are illegal and untenable, be quashed and set aside with a direction to the respondents that the applicant be continued to be paid the PLI till the end of their term of deputation and arrears for the period July 1999 onwards with interest on arrears alongwith cost.

2. The learned counsel for the respondent ~~have~~ filed affidavit in reply and para 8 and 9 of the same are worth mentioning, which are extracted as under:

It is submitted that subsequent to the comments of the Ministry of Civil Aviation to Audit appraisal report on emoluments and benefits of Government employees seconded to Air India, sent to the Indian Audit and Accounts Department, the Audit Office forwarded a report for the year ended on 31.3.1999 for laying it in the Parliament which was laid in the Parliament in May 2000. This report does not include the adverse comments on the payment of PLI to the Government Officers seconded to Air India.

Department of Personnel & Training has communicated (Annexure V) that a decision on the payment of PLI to deputationist officers would need to be taken by Ministry of Civil Aviation with the approval of the competent authorities, keeping in view the Government instructions. This issue is still under examination of the Ministry of Civil Aviation and no final decision has been taken so far.

3. My attention is drawn to letter dated 6.4.2000 by Ministry of Civil Aviation (Annexure IV OA page 86) and letter of Department of Personnel & Training dated 2.3.2001 (Annexure V OA page 87) by the learned counsels for the parties. Perusal of the same makes it clear that the decision for payment of PLI will be made hence forth after consultation with the concerned Ministry, keeping in view the Government of India instructions in this regard.

4. The learned counsel for the applicant has drawn my attention to {Annexure AB (1) OA page 12} which is a letter from Department of Personnel & Training AIS (11) Section - Reference proceeding notes from page 3.1/inte dated 6.7.1998.

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5. It is suffice to mention that while taking the decision on the above subject the repondents should not lose sight of their earlier decision.

6. In the result all the three OAs (OA 881/2000, 882/2000 and 883/2000) are disposed of with the direction to the respondent to take the decision in the matter within a period of three months from the date of receipt of copy of this order. In case payment is to be made, the same be made to the applicants within one month thereafter. No order as to costs.

(S.L.Jain)
Member(J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

C.P.No.97/02 in OA.NO.883/2000

Monday this the 3rd day of November, 2003.

CORAM : Hon'ble Shri Anand Kumar Bhatt, Member (A)

Hon'ble Shri S.G.Deshmukh, Member (J)

A.P.Pawar

...Applicant

By Advocate Shri P.A.Prabhakaran

vs.

Union of India & Ors.

...Respondents

By Advocate Shri P.M.Pradhan

O R D E R

{Per : Shri Anand Kumar Bhatt, Member (A)}

In OA.NOs.881,882 and 883/2000, it was decided on 4.4.2002 by the Tribunal that the respondents may take a decision in the matter within a period of four months from the date of receipt of the order and in case the payment is to be made, the same be made to the applicants within one month thereafter.

2. Shri Prabhakaran has stated that inspite of the directions of the Tribunal, no final decision has been taken in the matter and therefore Tribunal should take notice.

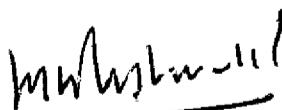
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3. On the other hand, Shri P.M.Pradhan has stated on behalf of the respondents that they have resubmitted the case to the Department of Personnel to consider the case of the applicants in the three OAs, on the lines of giving ~~up~~ the PLI to Shri P.C.Sen who belongs to IAS cadre. He further states that the matter is now with DOP and so far as the Respondent is concerned, he cannot be faulted for contempt of Court.

4. We have considered the case and heard the counsel from both the sides at length. As has been pointed out by the Apex Court in number of cases that the scope of contempt petition is very limited. The Respondent in the three OAs. is the Secretary, Ministry of Civil Aviation and the learned counsel for the respondents has made an oral submission that they have duly recommended the case of the applicants to the DOP. Under the circumstances, it is difficult to hold the respondents guilty of any contempt of Tribunal.

5. However, it would be advisable that the matter is finally decided within three months from the date of this order and the respondents in this case would make a special effort to see that a final decision is taken and duly communicated to the applicants during this period.

6. With the above observations, the Contempt Petition is dismissed. Notices issued earlier are discharged.



(S.G.DESHMUKH)

MEMBER (J)



(ANAND KUMAR BHATT)

MEMBER (A)

mrj.