

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 2 FEB 1990

IA V IN APPLICATION NO (S) 1542 to 1548 / 88(F)

W.P. NO (S) \_\_\_\_\_ /

Applicant (s)

Shri A.L. Khanna & 6 Ors  
To

V/s The Controller, CQAL, M/o Defence, Bangalore  
& 2 Ors

1. Shri A.L. Khanna  
Secretary  
Defence Science Services (DSS) &  
Defence Quality Assurance Services (DQAS)  
Officers' Association  
C/o Controllerate of Quality Assurance  
Electronics (CQAL)  
J.C. Nagar Post  
Bangalore - 560 006
2. Shri R. Yoganarasimhan
3. Shri S.V. Srinivasa Rao
4. Shri S.P. Pande
5. Shri N.R. Sharma
6. Shri Govind Ram
7. Shri C.R. Narayana Murthy

(Sl Nos. 2 to 7 -

Junior Scientific Officers  
Controllerate of Quality Assurance  
Electronics (CQAL)  
Ministry of Defence  
JC Nagar  
Bangalore - 560 006)

8. Shri C.N. Bhakthavatsalu  
Advocate  
No. 28, Raja Sawai Building  
Seshadripuram  
Bangalore - 560 020
9. The Controller  
Controllerate of Quality  
Assurance Electronics (CQAL)  
Ministry of Defence  
JC Nagar Post  
Bangalore - 560 006
10. The Director General of Quality  
Assurance (DGQA)  
Ministry of Defence  
Department of Defence Production  
DHQ Post  
New Delhi - 110 011
11. The Secretary  
Ministry of Defence  
Department of Defence Production  
& Supplies (DP&S)  
Room No. 136/S, South Block  
New Delhi - 110 011
12. Shri M.S. Padmajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAY/INTERIM ORDER  
passed by this Tribunal in the above said application(s) on 31-1-90.

Issued  
K.R. 22/90  
Encl : As above

P.V. Venkatesh  
DEPUTY REGISTRAR  
(JUDICIAL)

9

**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

A.L. Khanna & 6 Ors

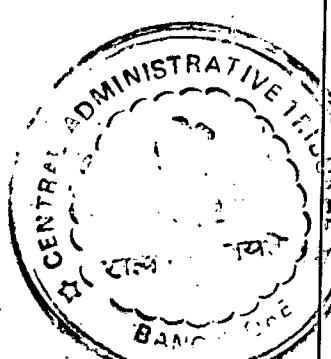
C.N. Bhakthavatsalu

A.Nos 1542 to 1548/88(F)

v/s The Controller, COAL, M/o Defence,

Order Sheet (contd) Bangalore & 2 Ors

M.S. Padmarajaiah

Date	Office Notes	Orders of Tribunal
		<p><u>PSM(A)</u> 31.1.1990</p> <p>Shri M.S. Padmarajaiah for the respondents in application nos 1542 to 1548/88 who have filed this I.A.</p> <p>Shri D. Leelakrishnan for the applicant.</p> <p><u>ORDERS ON I.A. No. V</u></p> <p>By this I.A. the respondents in the aforesaid applications seek further extension of time by one year to implement the judgement of this Tribunal dated 7.2.1989. By that order this Tribunal directed the respondents to determine afresh the pay scale of the posts held by the applicants on or before 30.6.1989. The time for doing so was extended successively to 30.9.1989, 30.11.89 and again upto 31.1.1990. While granting extension upto 31.1.1990 by order dated 1.12.1989 this Tribunal observed that the extension was being given as a last chance. Shri Padmarajaiah however, submits that the question of pay scale of the posts of the applicants of all India level and information has to be obtained from different organisations before the anomaly committee can finally determine the pay scale of the posts held by the applicants. In view of the considerable process involved and also the fact that the matter is to be considered by the anomaly committee at the National</p> 

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Date	Office Notes	Orders of Tribunal
		<p>level he submits that it will take much time to implement the order of this Tribunal. He assures me that it is not as if the respondents <del>are</del> <sup>do want to</sup> not implementing the order of this Tribunal, but due to reasons <sup>such as</sup> beyond their control the final decision is being delayed.</p> <p>Shri Leelakrishnan however, strongly opposes the request for extension of time since already 3 extensions have been granted and nearly a year is elapsed since the order <sup>under</sup> in reference was passed by this Tribunal. Some of the applicants have already retired and some are due to retire soon. Delay in implementing the judgement therefore, would cause considerable inconvenience and loss to the applicants. He, therefore, submits that the I.A. should be rejected outright.</p> <p>If at all sometime is to be given Shri Leelakrishnan submits that not more than 1 month's time should be given.</p> <p>Having heard both sides, taking into account the matter has already been delayed considerably <sup>also</sup> and bearing in mind the problems urged on behalf of the respondents by Shri M.S.P., I consider it proper to extend the time for implementing the judgement by a further period of 3 months. The respondents will implement the judgement by 30.4.1990 at the latest. I.A. V is disposed of accordingly.</p> <p style="text-align: right;">Sd/- MEMBER(A)</p> <p><i>B. Venkateshwaran (22)</i></p>

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated :

5 DEC 1989

IA IV IN APPLICATION NO (S) 1542 to 1548

/88(F)

W.P. NO (D)

Applicant (s)

Shri A.L. Khanna & 6 Ors

v/s

The Controller, CQAL, M/o Defence, Bangalore  
& 2 Ors

To

1. Shri A.L. Khanna  
Secretary  
Defence Science Services (DSS) &  
Defence Quality Assurance Services (DQAS)  
Officers' Association  
C/o Controllerate of Quality Assurance  
Electronics (CQAL)  
J.C. Nagar Post  
Bangalore - 560 006

8. Shri C.N. Bhakthavatsalu  
Advocate  
No. 28, Raja Snow Building  
Seehadripuram  
Bangalore - 560 020

2. Shri R. Yoganarasimhan

9. The Controller  
Controllerate of Quality  
Assurance Electronics (CQAL)  
Ministry of Defence  
JC Nagar Post  
Bangalore - 560 006

3. Shri S.V. Srinivasa Rao

10. The Director General of Quality  
Assurance (DGQA)  
Ministry of Defence  
Department of Defence Production  
DHQ Post  
New Delhi - 110 011

4. Shri S.P. Pande

11. The Secretary  
Ministry of Defence  
Department of Defence Production  
& Supplies (DP&S)  
Room No. 136/S, South Block  
New Delhi - 110 011

5. Shri N.R. Sharma

12. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

6. Shri Govind Ram

Junior Scientific Officers  
Controllerate of Quality Assurance  
Electronics (CQAL)  
Ministry of Defence  
JC Nagar  
Bangalore - 560 006)

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAN/XXXXXXREER  
passed by this Tribunal in the above said application(s) on 1-12-89.

g/sd  
K. M. R.  
6.12.89

dc

By Deputy Registrar  
DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated :

12 OCT 1989

IA III IN APPLICATION NO (S) 1542 to 1548

/ 88(F)

W.P. NO (D)

Applicant (s)

Shri A.L. Khanna & 6 Ors

To

1. Shri A.L. Khanna  
Secretary  
Defence Science Services (DSS) &  
Defence Quality Assurance Services (DQAS)  
Officers' Association  
C/o Controllerate of Quality Assurance  
Electronics (CQAL)  
J.C. Nagar Post  
Bangalore - 560 006

2. Shri R. Yoganarasimhan

3. Shri S.V. Srinivasa Rao

4. Shri S.P. Pande

5. Shri N.R. Sharma

6. Shri Govind Ram

7. Shri C.R. Narayana Murthy

(Sl Nos. 2 to 7 -

Junior Scientific Officers  
Controllerate of Quality  
Assurance Electronics (CQAL)  
Ministry of Defence  
J.C. Nagar  
Bangalore - 560 006)

Respondents

V/s The Controller, CQAL, M/o Defence,  
Bangalore & 2 Ors

8. Shri C.N. Bhakthavatsalu  
Advocate  
No. 28, Raja Snow Building  
Seshadripuram  
Bangalore - 560 020

9. The Controller  
Controllerate of Quality  
Assurance Electronics (CQAL)  
Ministry of Defence  
J.C. Nagar Post  
Bangalore - 560 006

10. The Director General of Quality  
Assurance (DGQA)  
Ministry of Defence  
Department of Defence Production  
DHQ Post  
New Delhi - 110 011

11. The Secretary  
Ministry of Defence  
Department of Defence Production  
& Supplies (DP&S)  
Room No. 136/S, South Block  
New Delhi - 110 011

12. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAN/INTERIM ORDER

passed by this Tribunal in the above said application(s) on 4-10-89.

4/89/2  
13-10-89

*D.C. J. Jose*  
DEPUTY REGISTRAR  
(JUDICIAL)

- 5 -

**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

A.L. Khanna & 6 Ors

A 1502/8 1548/8

The Controller, CGAL,  
M/o Defence, B'lore  
& 2 Ors

C.N. Bhakthavatsalu.

Order Sheet (contd)

M.S. Padmarajaiah

Date	Office Notes	Orders of Tribunal
13-7-89		<p>VC/LHAR(AM): 4-10-1989 Applicant by Shri N. Bhakta- vatsalu. Respondents by Shri M.V. Rao, for M.S. Padmarajaiah.</p> <p><u>ORDERS ON I.A.III FOR EXTENTION OF TIME.</u></p> <p>In this I.A., the respondents have sought for extension of time by another 2 months from 1.10.1989. I.A. III is opposed by the appli- (p.t.o)</p> 

Date	Office Notes	Orders of Tribunal
3.10.89		
- 2 -		
<p>applicants. We are satisfied that the facts and circumstances stated in I.A. III for extension of time <del>do not</del> justify us to grant time till 30.11.1989 to comply with our order.</p> <p>We, therefore, allow I.A.No.III and extend time to comply with our Order till 30-11-1989.</p>		
<i>Sd —</i> <i>Sd.</i> Vice Chairman Member(A)		
<b>TRUE COPY</b>		
 <i>[Signature]</i> SECTION OFFICER <i>[Signature]</i> CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE		

**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

A. L. Khanna & Sons

C.N. Bhakthavatsalu

**Order Sheet (contd)**

The Controller, CGAL,  
M/o Defence, 8'lore  
& 2 Ora

M.S. Padmarajiah

Date	Office Notes	Orders of Tribunal
		<p><b><u>KS PVC/LHARM(A)</u></b></p> <p><b>12.7.1989</b></p> <p>Applicants by Shri Bhaktavatsalu. Respondents by Shri M.S. Padmarajaiah.</p> <p><b><u>ORDERS ON I.A. NO.II</u></b></p> <p>In this I.A. the respondents have sought for further extension of time by another 6 months to implement the order of this Tribunal made on 7.2.1989. I.A. No.I is opposed by the applicants.</p> <p>Heard both sides. We are satisfied that the facts and circumstances stated by the respondents justify us to grant a reasonable time. We, therefore, allow I.A.No.II and extend time till 30.9.1989 for complying with the directions made on 7.2.1989.</p>  <p>TRUE COPY</p>

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CENTRAL ADMINISTRATIVE TRIBUNAL  
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CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 13 FEB 1989

APPLICATION NO (S) 1542 to 1548 / 88(F)

W.P. NO (S) \_\_\_\_\_

Applicant (s)

Shri A.L. Khanna & 6 Ors  
To

V/s The Controller, CQAL, M/o Defence, Bangalore &  
2 Ors

1. Shri A.L. Khanna  
Secretary  
Defence Science Services (DSS) &  
Defence Quality Assurance Services (DQAS)  
Officers' Association  
C/o Controllerate of Quality Assurance  
Electronics (CQAL)  
J.C. Nagar Post  
Bangalore - 560 006

2. Shri R. Yoganarasimhan

3. Shri S.V. Srinivasa Rao

4. Shri S.P. Pande

5. Shri N.R. Sharma

6. Shri Govind Ram

7. Shri C.R. Narayana Murthy

(Sl Nos. 2 to 7 -

Junior Scientific Officers  
Controllerate of Quality  
Assurance Electronics (CQAL)  
Ministry of Defence  
JC Nagar  
Bangalore - 560 006)

Respondent (s)

8. Shri D. Leelakrishnan  
Advocate  
No. 28, Raja Snow Buildings  
Seshadripuram  
Bangalore - 560 020

9. The Controller  
Controllerate of Quality Assurance  
Electronics (CQAL)  
Ministry of Defence  
J.C. Nagar Post  
Bangalore - 560 006

10. The Director General of Quality  
Assurance (DGQA)  
Ministry of Defence  
Department of Defence Production  
DHQ Post  
New Delhi - 110 011

11. The Secretary  
Ministry of Defence  
Department of Defence Production  
& Supplies (DP & S)  
Room No. 136/S, South Block  
New Delhi - 110 011

12. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/NOTICE/INTERIM ORDER  
passed by this Tribunal in the above said application(s) on 7-2-89.

98862 13-2-89

D.C. J. H. Deo  
DEPUTY REGISTRAR  
(JUNIOR)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 7TH DAY OF FEBRUARY, 1989.

PRESENT:

Hon'ble Mr. Justice K.S.Puttaswamy, .. Vice-Chairman.

And

Hon'ble Mr. P.Srinivasan. .. Member(A).

APPLICATION NUMBER 1542 TO 1548 OF 1988

1. A.L.Khanna,  
Secretary, Defence Science Services (DSS)  
and Defence Quality Assurance Services (DQAS)  
Officers' Association, C/o Controllerate  
of Quality Assurance Electronics,  
J.C.Nagar Post, Bangalore-6.

2. R.Yoganarasimhan,  
Aged 53 years,

3. S.V.Srinivasa Rao,  
Aged 57 years,

4. S.P.Pande,  
Aged about 57 years,

5. N.R.Sharma,  
Aged about 57 years,

6. Govind Ram,  
Aged about 51 years,

7. C.R.Narayana Murthy,  
Aged about 57 years,

S1.Nos. 2 to 7 are working as Junior  
Scientific Officers in the Controllerate  
of Quality Assurance Electronics,  
JC Nagar, Bangalore-6.

.. Applicants.

(By Sri D.Leelakrishnan, Advocate)

v.

1. The Controller,  
Controllerate of Quality Assurance  
Electronics (CQAL), Ministry of Defence,  
J.C.Nagar Post, Bangalore-6.

2. The Director General of Quality  
Assurance (DGQA), Government of India,  
Ministry of Defence, Department of Defence  
Production, DHQ Post, New Delhi-110 001.

3. The Government of India  
represented by the Secretary (DP&S),  
Ministry of Defence, Room No.136/S,  
South Block, New Delhi-110 011.

.. Respondents.

(By Sri M.S.Padmarajaiah, Standing Counsel)



These applications having come up for hearing this day, Hon'ble  
Vice-Chairman made the following:

These are applications made by the applicants under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. Shri A.L.Khanna, applicant in Application No.1542 of 1988 who is working as Deputy Chief Scientific Officer ('DCSO') in the Directorate General of Quality Assurance ('DGQA'), New Delhi - respondent-2 - is the Secretary of an unregistered Association called 'Defence Science Services and Defence Quality Assurance Service Officers Association, Bangalore' ('Association'). Applicants in Applications 1543 to 1548 of 1988 are all working as Junior Scientific Officers ('JSOs') in the office of the Controller of Quality Assurance Electronics ('CQAE') - respondent-1. All the applicants are aggrieved by the pay scales fixed to the posts of JSOs from 1-1-1986 on the recommendations of Fourth Pay Commission, the orders and the Rules made thereon by Government.

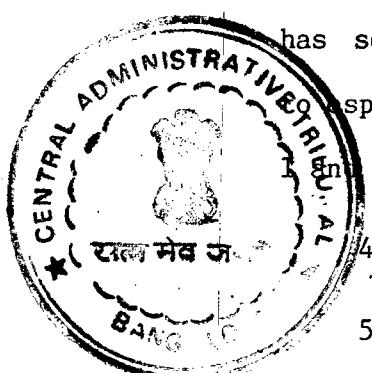
3. In I.A.No.I filed under Rule 4(5)(b) of the Central Administrative Tribunal (Procedural) Rules, 1987 ('the Rules') Shri Khanna has sought permission of this Tribunal to permit the Association to espouse the cause of all JSOs working in the offices of respondents

2.

4. I.A.No.I is not opposed by the respondents.

5. Even otherwise, we are of the view that the facts and circumstances stated in I.A.No.I justify us to permit Shri Khanna to espouse the cause of JSOs under Rule 4(5)(b) of the Rules. We, therefore, allow I.A.No.1.

6. Shri D.Leelakrishnan, learned counsel for the applicants, contends that though the posts of JSOs are higher to the post of Foreman, but very oddly and in violation of all sound principles thereto and Article 14 of the Constitution the former have been allowed lower scales of pay to the latter and the same should be remedied by us by allowing them the higher scale of pay of Rs.2200-4000.



7. Shri M.S.Padmarajaiah, learned senior Central Government Standing Counsel appearing for the respondents, contends that the anomalies in the fixation of salaries to the JSOs were seized by the 'Anomalies Committee' ('Committee') of Government and till that committee and Government examines and decides the matter in depth, it would not be proper for this Tribunal to examine and decide the same.

8. Both sides do not dispute that the posts of JSOs is higher to the post of Foreman. But, notwithstanding this the higher posts of JSOs are allowed lower scales of pay than to Foreman who is allowed higher scales of pay. Without any doubt, this is anomalous and calls for the removal of the same, the applicants have already made representations which are now seized by the Committee. We need hardly say that the Committee and Government are in a better position to examine and decide the same. When the matter is seized by the Committee and Government, we consider it more proper to leave the same to them to decide with expedition.

9. Shri Padmarajaiah prays for atleast six months' time for Government to examine and decide the matter. Shri Leelakrishnan urges for granting not more than three months' for the same.

10. On an examination of all the facts and circumstances, we are of the view that it is reasonable to grant time till 30-6-1989.

11. On the view we have taken, we have not examined the merits of the claim of the applicants.

12. We do hope and trust that the authorities themselves will remedy the situation. But, if that does not happen, then the applicants are free to approach this Tribunal on all such grounds as are available to them.

13. In the light of our above discussion, we direct the respondents to examine and decide proper fixation of pay scales from



1-1-1986 to the post of JSOs with all such expedition as is possible in the circumstances of the case and in any event on or before

30-6-1989.

Applications are disposed of in the above terms. But, in the circumstances of the cases, we direct the parties to bear their own costs.



Sd/-

VICE-CHAIRMAN.

Sd/-

MEMBER(A)

bsv/np

TRUE COPY

*Hoek*  
SECTION OFFICER (D)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\* \* \* \* \*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated. : 5 JUL 1990

CONTEMPT

PETITION (CIVIL) NO. (S)

36 to 42

90

IN APPLICATION NOS. 1542 to 1548/88(F)  
W.P. NO. (S)

Applicant (s)

Shri A.L. Khanna & 6 Ors  
To

Respondent (s)

The Controller, Controllerate of Quality  
Assurance Electronics (CQAL), Bangalore & 2 Ors

1. Shri A.L. Khanna  
Secretary  
Defence Science Service (DSS) &  
Defence Quality Assurance Service (DQAS)  
Officers Association  
C/o Controllerate of Quality Assurance  
Electronics (CQAL)  
J.C. Nagar Post  
Bangalore - 560 006
2. Shri R. Yoganarasimhan
3. Shri S.P. Pande
4. Shri N.R. Sharma
5. Shri Govind Ram
- (Sl Nos. 2 to 5 -  
  
Junior Scientific Officers  
Controllerate of Quality Assurance  
Electronics (CQAL)  
Ministry of Defence  
JC Nagar  
Bangalore - 560 006
6. Shri S.V. Srinivas Rao
7. Shri C.R. Narayanaswamy  
(Sl Nos. 6 & 7 -  
C/o Shri D. Leelakrishnan  
Advocate, No. 28, Raja Snow Buildings, S.C. Road, Seshadripuram, Bangalore - 20)  
Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH
8. Shri C.N. Bhaktavetsalu  
Advocate  
No. 28, Raja Snow Buildings  
Subedar Chathram Road  
Seshadripuram  
Bangalore - 560 020
9. The Controller  
Controllerate of Quality  
Assurance Electronics (CQAL)  
Ministry of Defence  
J.C. Nagar Post  
Bangalore - 560 006
10. The Director General of  
Quality Assurance (DGQA)  
Ministry of Defence  
Department of Defence Production  
DHQ Post  
New Delhi - 110 011
11. The Secretary  
Ministry of Defence  
Department of Defence Production  
& Supplies (DP&S)  
Room No. 136/S, South Block  
New Delhi - 110 011
12. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001

Please find enclosed herewith a copy of ORDER/REMARK/INSTRUCTION ORDER  
passed by this Tribunal in the above said application (s) on 28-6-90  
C.P. (Civil)

Encl : As above

*for P. T.*  
for DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 28TH DAY OF JUNE, 1990.

Present Hon'ble Shri P. Srinivasan, Member (A)  
and  
Hon'ble Shri N.R. Chandran, Member (J)

CONTEMPT PETITION (CIVIL) Nos.36 TO 42/1990.

1. Shri A.L. Khanna,  
Secretary,  
Defence Science Services (DSS),  
Defence Quality Assurance Service(DQAS),  
Officers Association,  
C/o Controllerate of Quality Assurance  
Electronics (CQAL), J.C. Nagar Post,  
Bangalore-6.
2. Shri R. Yoganarasimhan,  
Jr. Scientific Officer,  
Controllerate of Quality  
Assurance Electronics (CQAL),  
J.C. Nagar, Bangalore-6.
3. Shri S.V. Srinivasa Rao,  
Aged about 59 years,  
C/o D. Leelakrishnan,  
No.28, Rajasnow Building,  
S.C. Road, Bangalore-20.
4. Shri S.P. Pande,  
Aged about 57 years.  
Jr. Scientific Officer,
5. Shri N.R. Sharma,  
Aged about 53 years,  
Jr. Scientific Officer,  
Controllerate of Quality  
Assurance Electronics (CQAL),  
J.C. Nagar, Bangalore-6.
6. Shri Govind Ram,  
Jr. Scientific Officer,  
Controllerate of Quality  
Assurance Electronics (CQAL),  
J.C. Road, Bangalore-6.
7. Shri C.R. Narayananurthy,  
Aged about 59 years,  
Retd. as Jr. Scientific Officer,  
C/o D. Leelakrishnan,  
No.28, Rajasnow Building,  
S.C. Road, Bangalore-20.

.... Petitioners.

ADMINISTRATOR (Shri C.N. Bhaktavatsalu, Advocate).

v.

1. The Controller,  
Controllerate of Quality Assurance,  
Electronics (CQAL), M/o Defence,  
J.C. Nagar, Bangalore-6.

BANGALORE

15-6-90

2. The Director General of Quality Assurance (DGQA), M/o Defence, Dept. of Defence Production, DHQ Post, New Delhi.

3. The Secretary, M/o Defence, Dept. of Defence Production & Supplies (DP&S), Room No.136/S, South Block, New Delhi-11. .... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

These applications having come up for hearing to-day, Shri P. Srinivasan, Hon'ble Member (A) made the following:

O R D E R

By this petition the applicants in O.A. Nos. 1542 to 48 of 1988 complain that the order of this Tribunal dated 7.2.1989 disposing of the said applications has not so far been complied with by the respondents thereto.

2. Shri C.N. Bhathavatsalu, learned counsel, appears for the petitioners. Shri M.S. Padmarajaiah, learned Counsel appears for the respondents and submits that the order of this Tribunal has been implemented by the respondents in Original Application Nos. 1542 to 1548/1988. In those applications, the applicants who were <sup>H working</sup> ~~working~~ as JSOs complained that though the post of JSO was higher than the post of Foremen in the Directorate General of Quality Assurance, the pay scale of JSO was not higher than that of Foremen. While disposing of the application this Tribunal noticed that this anomaly had been referred to the Anomalies Committee. This Tribunal in its order dated 7.2.1989, therefore directed the respondents "to examine and decide proper fixation of pay scales from 1.1.1986 to the post of JSOs with all such expedition as is possible in the circumstances of the case and in any event on or before 30.6.1989." The

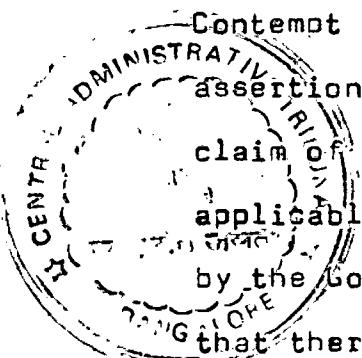
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respondents sought and obtained extension of time to implement the said decision and the last of such extensions expired on 30.4.1990. Shri Bhaktavatsalu submits that in spite of this, the said order of this Tribunal has not so far been implemented.

3. Shri Padmarajaiah, learned counsel for the respondents submits that the matter was referred to the National Anomalies Committee, since it involves pay scales of JSOs in various departments of the Government and that was the reason for the delay. The National Anomalies Committee has eventually given its final decision rejecting the claim of the applicants. Though the recommendations of the National Anomalies Committee are not available with him today, Shri Padmarajaiah asserts that the Committee had indeed rejected the claim of the applicants and the Government has accepted the recommendations of the Committee. In view of this, the direction of this Tribunal to the respondents in Application Nos. 1542 to 1548 of 1988 to consider and take a decision on the matter has been complied with. If the petitioners herein have any grievance again the said decision that that would be a separate issue but the respondents cannot be punished for Contempt of Court on that account.

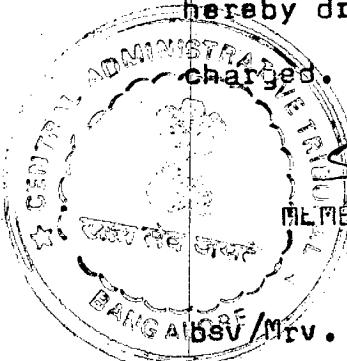
4. After hearing counsel on both sides, we are satisfied that there is no case for punishing the respondents for Contempt of Court. We have no reason to doubt the categorical assertion of learned counsel for the respondents that the claim of the petitioners herein in respect of pay scales applicable to JSOs has been considered and finally rejected by the Government in pursuance of our order dated 7.2.1989 and that therefore, no case for contempt lies.

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5. Shri Baktavatsalu points out at this stage that the final decision of the Government has not yet been conveyed to his clients. The respondents will do so without further delay. If the petitioners herein are aggrieved with that decision, they will be at liberty to agitate the matter separately, if they so deem fit.

6. In view of the above, the proceedings in contempt are hereby dropped and notice issued to the respondents is discharged. Parties to bear their own costs.



Sd -  
MEMBER (A)

Sd -  
MEMBER (J)

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BANGALORE