

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 10 JUN 1988

CONTEMPT OF COURT APPLICATION NOS
IN APPLICATION NOS. 788 to 795/86(T)
W.P. NO.

50 to 55

88

Applicant(s)

Shri P.P. Bhaskaran & 5 Ors

To

1. Shri P.P. Bhaskaran
2. Shri R. Sitharamu
3. Shri V. Vasudevan
4. Shri P. Rajappan
5. Shri J.S. Seshadri
6. Shri Fernandez William

(Sl Nos. 1 to 6 -

Trade Instructors Foreman
Office of the Commandant
M.E.G & Centre
Bangalore - 560 042)

7. Shri H. Subramanya Jois
Advocate
36, 'Vagdevi'
Shankarapuram
Bangalore - 560 004

Respondent(s)

v/s The Secretary, M/o Defence, New Delhi & 2 Ors

8. The Secretary
Ministry of Defence
South Block
New Delhi - 110 011
9. The Engineer-in-Chief
Army Headquarters
Kashmir House
DHQ P.O.
New Delhi - 110 011
10. The Deputy Controller of Defence Accounts
Cubbon Road
Bangalore - 560 001
11. 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 the copy of ORDER/~~STRAK~~/~~EXTERIMXORDER~~
passed by this Tribunal in the above said application(s) on 7-6-88.

OK

R. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

RECD
2-6-88

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 7TH DAY OF JUNE, 1988

PRESENT:

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

And:

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

CONTEMPT OF COURT APPLCIATIONS 50 TO 55 OF 1988

1. P.P.Bhaskaran,
S/o A.B.Kunhambu.
2. R.Sitharamu,
S/o Ramachandraiah,
3. V.Vasudevan,
S/o Velluthakunju,
4. P.Rajappan,
S/o Ponnappan,
5. J.S.Seshadri,
S/o J.S.Shriraman,
6. Fernandez William
S/o Frank William

All are majors and are working
as Trade Instructors, Foreman
in the office of the Commandant,
M.E.G. Centre, Bangalore-42.

.. Petitioners.

(By Sri H.Subramhanya Jois, Advocate)

v.

1. Shri S.K.Bhatnagar,
Secretary, Ministry of Defence,
Government of India,
Raksha Bhavan, New Delhi-11.
2. Shri P.S.Ray
Engineer-in-Chief,
Army Headquarters,
Kashmir House,
New Delhi.

Sri N.Natarajan,
Deputy Controller of Defence Accounts,
Cubbon Road, Bangalore-1

.. Respondents.

(By Sri M.S.Padmarajaiah, CGSSC)

These applications have come up for hearing to-day, Vice-Chairman
made the following:



ORDER

In these applications made under Section 17 of the Administrative

Tribunals Act,1985 and the Contempt of Courts Act,1971, the petitioners have moved this Tribunal to punish the respondents for non-implementation of an order made by a Division Bench of this Tribunal consisting of one of us (Justice Sri K.S.Puttaswamy) on 15-10-1986 in Applications Nos. 788 to 795 of 1986.

2. In Applications Nos. 788 to 795 of 1986 which were transferred applications, the applicants had claimed for revision of their pay scales to Rs.425-700 with effect from 1-1-1973 with all consequential benefits flowing from the same, which was contested by the respondents.

3. On an examination of the contentions urged by both sides, this Tribunal disposed of the said applications with the following directions:

- i) We declare that the applicants are entitled to the revised time scale of pay of Rs.380-640 from 1-1-1973 as against the time scale of pay of Rs.330-560 allowed to them from that day.
- ii) We direct the respondents to refix the pay of the applicants from 1-1-1973 in the time scale of pay of Rs.380-640 and grant all the increments that accrue thereafter in accordance with the Rules that regulate them.
- iii) We direct the respondents to pay all arrears of salary on such re-fixation to the applicants with effect from 22-7-1978 only and onwards denying all arrears that had accrued prior to that date.
We direct respondent-1 to examine the cases of the applicants for the revision of their scales of pay from 1-1-1986 and pass such other orders as the facts and circumstances justify.



In compliance with these directions, the Commandant, Madras Engineer Group, Bangalore ('Commandant') has fixed the pay of the applicants in the revised pay scales with effect from 1-1-1973 and onwards.

4. Sri M.S.Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents, contends that this order fully complies with the directions issued by this Tribunal and these Contempt of Court proceedings are liable to be dropped.

5. Sri H. Subramanya Jois, learned counsel for the petitioners contends that in fixing the revised pay of the applicants the Commandant had ignored the options exercised and exercisable by the petitioners under the Central Civil Services (Revised Pay Scales) Rules, 1973 and the benefits to which they were entitled to under the said Rules. Sri Jois, in our opinion, very rightly prays that these contempt of court proceedings be dropped with liberty reserved to the petitioners to challenge the order made by the Commandant in ~~a~~ fresh legal proceedings.

6. We are of the view that the submission made by Sri Jois is well founded. We, therefore, drop these contempt of court proceedings. But, this does not prevent the petitioners from challenging the order made by the Commandant before this Tribunal on all such grounds as are available to them. No costs.

sd/-

VICE-CHAIRMAN. 7/6/1

sd/-

1/6/1
MEMBER(A)

TRUE COPY

For the record of
DEPUTY REGISTRAR (JDL) 7/6/1
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

