

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 14 JUN 1988

CONTEMPT OF COURT APPLICATION NO. 9

IN APPLICATION NO. 429/86(T) & C.C.A. NO. 15/87
W.P. NO.

/88

Applicant(s)Shri C.K. Dhargupta
ToRespondent(s)

V/s The Director, GTRE, Bangalore & another

1. Shri C.K. Dhargupta
Senior Scientific Assistant
Gas Turbine Research Establishment(GTRE)
Suranjan Das Road
P.B. No. 7575
Bangalore - 560 075
2. Shri R.S. Hegde
Advocate
No. 231 (Upstairs)
Laxmi Nivas, Subedar Chatram Road
Ananda Rao Circle
Bangalore - 560 009
3. The Director
Gas Turbine Research Establishment(GTRE)
Suranjan Das Road
P.B. No. 7575
Bangalore - 560 0075

4. The Scientific Adviser to Raksha Mantry & Director General Research & Development Organisation
Ministry of Defence
DHQ P.O.
New Delhi - 110 011
5. Shri M. Vasudeva Rao
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/XXX/INTERIM ORDER
 passed by this Tribunal in the above said Contempt of Court application(s) on 8-6-88.

Encl : As above

*9/88
R.W.D.
14-6-88*
D/C : *R.W.D.*
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE EIGHT DAY OF JUNE, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy... Vice-Chairman
Hon'ble Shri L.H.A. Rego.... Member (A)

C.C.A.NO.9/88

C.K. Dhargupta,
s/o. late A.K. Dhargupta,
Major, working as Senior
Scientific Assistant,
in Gas Turbine Research
Establishment, Bangalore.

Petitioner

(Shri R.S. Hegde.....Advocate)

Vs.

1. Sri Arunprasad,
Director, Gas Turbine Research
Establishment, Government of
India, Ministry of Defence,
Suranjandas road, P.B.No.7575,
Bangalore-75.

2. Dr.V.S. Arunachalam,
The Scientific to Raksha Mantry
and Director General Research
& Development, R & D Organisation,
New Delhi-11.

Respondents

(Shri M.Vasudeva Rao.....Advocate)

This application has come up for hearing
before this Tribunal to-day, Hon'ble Shri Justice
K.S. Puttaswamy, Vice-Chairman, made the following :

O R D E R

In this application made under Section
17 of the Administrative Tribunals Act, 1985
(AT Act) and Contempt of Courts Act, 1971 (CC Act)
the petitioner has moved this Tribunal to punish
the respondents for non-implementation of an order



made in his favour by this Tribunal on 25.9.1986 in A.No. 429/86 (T).

2. In A.No. 429/86 which was a transferred application received from the High Court of Karnataka, the petitioner had sought for a mandamus to the respondents to promote him as Senior Scientific Assistant (SSA) from 1.8.1977 which was resisted by them on diverse grounds. On examination of the rival claims, a Division Bench of this Tribunal consisting of one of us (Sri L.H.A. Rego, Member (A)) disposed of the same on 25.9.1986 with the following directions:

"...we direct the respondents to consider the case of the applicant for promotion w.e.f. 13.8.1977 and fix his seniority in accordance with rules within two months from the date of receipt of this order."

In compliance with this order, the competent authority has made an order on 26.10.1987 in favour of the petitioner and that order, the construction of which is material, reads thus:

"Last OO Pt II No.25/SSA/87

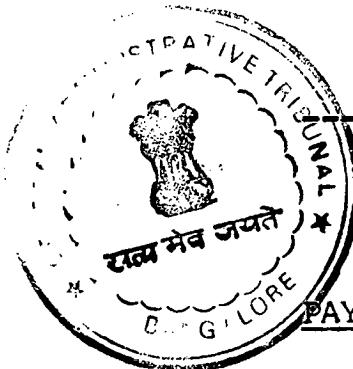
OO Pt II No.26/SSA/87

Dated:20.10.87

Dated:26.10.87

(SECTION II NON INDUSTRIAL NON GAZETTED (SCIENTIFIC
STAFF))

PAY FIXATION:-



1. Shri CK Dhargupta, SSA - Ref00 Pt II No.22/SSA/87
dt. 08.9.87

Consequent on the implementation of Central Administrative Tribunal Order dated 25 Sep 1986 in application No.429/86 (T) 1986 and review DPC II considered and recommended for promotion to SSA wef 13 Aug 1977, the pay of the marginally named individual has been re-fixed at Rs.550/- pm wef 13.8.77 (Pre-revised scale) with DNI 1.8.78 on notional basis and granted annual increments as under:-

	01.8.1978	Rs.575/-
	01.8.1979	Rs.600/-
	01.8.1980	Rs.625/-
<u>Pay Scales:</u>	01.8.1981	Rs.650/-
	01.8.1982	Rs.675/-
Pre revised: Rs.550-25-780-EB- 30-900	01.8.1983	Rs.700/-
Revised: Rs.1640-60-2600-EB- 75-2900	01.8.1984	Rs.725/-
	01.8.1985	Rs.750/-

Financial effect is only from 08.8.79

Pay fixed at Rs.2180/-pm wef 1.1.1986 (Revised pay scale) with DNI 1.8.86 and granted annual increments as under:-

01.8.1986	Rs.2240/-
01.8.1987	Rs.2300/-

Auth: JCDA, Bangalore, letter No Pay/832/NGO/Fix
dated 19.10.87



sd/-
(P SIVAPERUMAL) AO
for DIRECTOR

In terms of this order, the financial benefits due to the petitioner have been paid from 8.8.1979 and onwards. But the petitioner claims that he was entitled for payment of financial benefits from 13.8.1977 from which date he has been promoted as SSA for restoration of his seniority from that very date.

3. In their reply, the respondents in relying on the order made on 26.10.1987, have asserted that the seniority due to the petitioner had been restored.

4. Sri R.S. Hegde, learned counsel for the petitioner contends that on terms of the order made by this Tribunal in A.No. 429/86 (T) and the order made on 26-10-1987 by the competent authority promoting his client from 13.8.1977 he was entitled for payment of all consequential benefits from that date and the denial from 13.8.1977 to 8.8.1979 was impermissible and constitutes contempt of this Tribunal .

5. Sri M. Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents in supporting the order made on 26.10.1987, contends that the petitioner who had not worked as SSA from 13.8.1977 to 8.8.1979 was not at all entitled for monetary benefits.

6. On an examination of the claim of the petitioner in A.No. 429/86(T) this Tribunal



directed the respondents to consider his case for promotion from 13.8.1987 and if so promoted, then fix his seniority in the seniority list.

7. In the order of this Tribunal there is no specific direction for denying monetary benefits to the petitioner. In the absence of the same the order of this Tribunal should only be interpreted as directing the respondents to extend him all such consequential and financial benefits to which he is entitled to if he is promoted to the post of SSA. We cannot read the order in any other manner. From this it follows that the denial of monetary benefits from 13.8.1977 to 8.8.1979 was impermissible and unjustified. But the respondents have denied monetary benefits for this short period under a bonafide mistake. We therefore consider it proper not to proceed against them under the CC Act and grant a reasonable time to them to make payment of the difference of amounts due to the petitioner for the said period.

8. Sri Rao prays for 3 months' time for making payment to the petitioner. Sri Hegde oppose the same.

9. We consider it proper to grant 2 months time from the date of receipt of our order.

10. On the seniority, the respondents have asserted that they have restored the seniority of the petitioner from the date he was promoted



as SSA. We have no reason to hold otherwise.

11. In the light of our above discussion, we make the following orders and directions :

1. We hold that the respondents are liable to pay the difference of arrears due to the petitioner on his promotion as SSA from 13.8.77 to 8.8.1979. We direct the respondents to make payment of the same to the petitioner with all such expedition as is possible in the circumstances of the case and in any event within a period of two months from the date of receipt of this order.
2. We drop these contempt of court proceedings against the respondents leaving open all other grievances of the petitioner.
3. We direct the parties to bear their own costs.

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Sd/-

(K.S. PUTTASWAMY
VICE-CHAIRMAN)

Sd/-

(L.H.A. REGO
MEMBER (A))

TRUE COPY

Pr. J. J. S. (Signature)
DEPUTY REGISTRAR (JOL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

