

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Contempt Petition No.21/93 in Dated: 24 SEP 1993

APPLICATION NO(S) 331 and 332 of 1990.

APPLICANTS: N.H.Lakshmanappa v/s. RESPONDENTS: Brig.S.K.Gupta, Principal,
and Other Presently at E.M.E., School, Baroda and
TO. Others.

1. Sri.A.S.Natarajan, Advocate,
No.25, 4th 'B' Street,
Chandni Chowk Road Cross,
Shivajinagar Bus Stand,
Behind St.Mary's Church,
Bangalore-560 051.
2. Brig.S.K.Gupta,
Principal,
Presently at E.M.E.,
School, Baroda.
3. Brig.R.Sridhara,
Commandant,
515 Army Base Workshop,
Ulsoor, Bangalore-8.
4. Lt.Gen.J.S.Ahluwalia, D.G.,
Army Head Quarters, EME,
Ministry of Defence,
Delhi Cantonment-110010.
5. Mr.Vohra, Secretary,
Ministry of Defence,
South Block, New Delhi-11.
6. Sri.M.S.Padmarajaiah,
Central Govt.Stng.Counsel,
High Court Building,
Bangalore-1.

Subject:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the
above said application(s) on 08/13th September, 1993.

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

24/9/93

gm*

(14690904) 29/9

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 8/13TH DAY OF SEPTEMBER, 1993.

PRESENT:

Hon'ble Mr. Justice P.K. Shyamsundar,

.. Vice-Chairman.

And

Hon'ble Mr. V. Ramakrishnan,

.. Member(A)

CONTEMPT PETITION NO. 21 OF 1993

1. N.H. Lakshmanappa,
Aged 49 years, S/o late N.H. Ramappa,
Pharmacist,
515 Army Base Workshop,
Ulsoor, Bangalore-560 008.

2. A. Ramanjanappa,
Aged about 45 years,
S/o late M. Anjanappa,
Pharmacist, 515, Army
Base Workshop, Ulsoor, Bangalore-560 008.

.. Petitioners

(By Sri A.S. Natarajan, Advocate)

v.

1. Brig. S.K. Gupta,
Principal, presently at E.M.E.
School, Baroda.

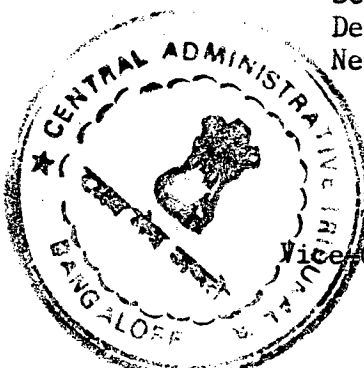
2. Brig. R. Sridhara,
Commandant,
515 Army Base Workshop,
Uloor, Bangalore-8.

3. Lt. Gen. J.S. Ahluwalia, D.G.
Army Head Quarters, E.M.E.,
Government of India,
Ministry of Defence,
Delhi Contonment-110 010.

4. Mr. Vohra,
Secretary, Ministry of
Defence, South Block,
New Delhi-110 011.

.. Respondents:

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



This application having come up for hearing to-day, Hon'ble Vice-Chairman made the following:-

ORDER

We have heard both sides in this contempt matter and find that albeit there being some slip up in the matter of implementation of the Tribunal's direction in that the direction given

by the Tribunal although complied with, since had not been done with the period stipulated therefor with the result the applicants have necessarily suffered some short fall in the matter of financial benefits to which they became entitled to in the light of the direction given by the Tribunal while disposing off Applications Nos. 331 and 332 of 1990 on the 17th day of June, 1991. Therein the Tribunal gave the following direction:-

- (i) The respondents will consider the question of re-designating the compounders in the EME as Pharmacists and granting them the scales of pay of Rs.1350-2200 afresh in the light of the findings given and observations made by us in para-6 above, and take a final decision within a period of four months from the date of receipt of this order.
- (ii) Till a final decision is taken by the respondents, as directed above, there shall not be any recovery from the pay of the applicants."

It is the foregoing direction which the respondents/Government had to comply with by taking a final decision in the matter within four months from the date of receipt of a copy of that order. The copy of the order appears to have been received by the respondents before 30-6-1991. The respondents should therefore have complied with the above direction on or before the 1st day of November, 1991. Instead, they actually complied with the said direction by making an order on 14-7-1992, a copy of which is produced along with the reply filed on behalf of the respondents. The order passed by the Department in the purported compliance of the Tribunal's direction is as follows:-

"No.58988/5/PC/EME Civ-3/2562/D(O-II)
Government of India,
Ministry of Defence,
New Delhi, the 14th July, 1992.

To

The Chief of the Army Staff,
New Delhi.

Sub: Redesignation of the posts of Compounders and Dispensers to Pharmacist - Corps of EME.

Sir,

I am directed to refer the judgment delivered by CAT Bangalore on 17th June, 1991 in O.A.No.331 and 332 of 1990 filed by Shri N.H.Lakshmanappa and Shri A.Ramanjanappa Vs. Comandant 515 Army Base Workshop, Bangalore and to convey the sanction of the President to re-designating the aforesaid two Compounders in the Corps of EME as Pharmacists and granting them the scale of pay of Rs.1350-2200. The Recruitment Rules of Compounders and Dispensers for redesignating them as Pharmacists in the Corps of EME are being amended to bring them at par with those Pharmacist of R & D Organisation.

2. These orders will take effect from the date of issue.

3. This issues with the concurrence of Finance Department vide their U.O.No.798 dated 2-7-1992.

Yours faithfully,

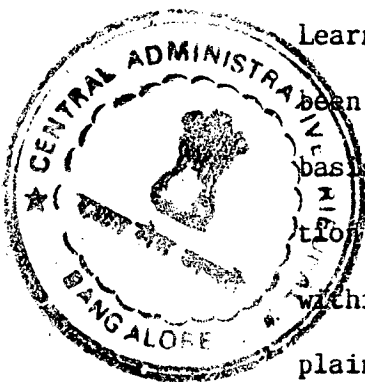
Sd/- S.K.Ray,

Under Secretary to the Government of India."

(emphasis supplied)

2. From a perusal of this order it becomes clear that there has been substantial compliance with the direction of the Tribunal, but nonetheless exception is taken to the direction issued stating that the order will take effect from the date of issue.

Learned counsel for the applicants submits that it should have been marked back to the year 1986 but we do not know on what basis. Whatever that may be, there is substance in the contention that the direction of the Tribunal had to be complied with within 1-11-1991 and the belated compliance gave room to a complaint that there has not been full compliance with the directions of the Tribunal. We have earlier pointed out that there has been compliance, if not total compliance. The argument to the contrary does appear to rest on fine technicalities, but we must harken to that argument because giving effect to the Tribunal's direction from 14-7-1992 as now done instead from 1-11-1991 would benefit the applicant financially. Thus, the order of the Tribunal, it having not been complied within



1-11-1991 but complied with much later, does not amount to full compliance of the direction. Even now it is open to the respondents to correct themselves by making an order that will be effective from 1-11-1991. We direct the respondents to re-schedule that order on the lines suggested. A fresh order shall be issued on the above lines within 3 months from this day. It is even open to the respondents to issue a simple corrigendum to the order dated 14-7-1992. With this observation these proceedings shall stand terminated.

Let a copy of this order be sent to the respondents forthwith.

MEMBER (A)

VICE-CHAIRMAN.

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