

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 421/93

Date of Decision: 15-10-1997

C.P. Pathan & 99 ors. Applicant.

Mr. K S Kallapura Advocate for  
Applicant.

Versus

U.O.I. & Anor. Respondent(s)

Mr. R.K. Shetty Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, V.C.

Hon'ble Shri. M.R. Kolhatkar, Member (A)

(1) To be referred to the Reporter or not? ~~~

(2) Whether it needs to be circulated to ~~~  
other Benches of the Tribunal?

*R.G. Vaidyanatha*

V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING No.6  
PRESCOT ROAD, MUMBAI 400001

O.A.No. 421/93

DATED : THIS 15TH DAY OF OCTOBER, 1997

CORAM : Hon. Shri Justice R G Vaidyanatha, V.C.  
Hon. Shri M R Kolhatkar, Member(A)

C P Pathan  
General Secretary  
All India Military Engineer  
Services Kamgar Sanghatana  
12/14 Rajgir Chambers,  
Room no.60, 7th floor,  
Shahid Bhagatsingh Marg  
Op. Old Customs House,  
Mumbai 400023 & 99 others  
(By Adv. Mr. K S Kallapura)

..Applicants

v/s.

1. Union of India  
through the Secretary  
Ministry of Defence  
South Block, New Delhi-1

2. Engineer-in-Chief  
Army Headquarters  
Kashmir House  
DHQ PO, New Delhi 110011  
AND 15 OTHERS

(By Adv. Mr. R K Shetty,  
Central Govt. Standing Counsel)

..Respondents

ORDER

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[Per: R G Vaidyanatha, Vice Chairman]

1. This is an application filed by 100 persons under section 19 of the Administrative Tribunals Act, 1985 seeking revision of their pay scales. Respondents have filed reply opposing the application. Heard both the sides.

2. The applicants have come to this Tribunal stating that they are M.T. Drivers working in the Military

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Engineering Services in the pay scale of Rs.950-20-1150-EB-25-1500 and that as per IVth Pay Commission Report they are entitled to get revised pay scale of Rs.1200-1800. But to day at the time of hearing the learned Counsel for the applicant wants to take advantage of subsequent event which has occurred during the pendency of this case and brought to our notice a circular dated 5.12.1996 issued by the Ministry of Defence restructuring the ~~general~~ the general category of drivers into three different grades. The learned counsel submits that the applicants would be satisfied if they are given the benefit of the grades of pay as mentioned in the circular dated 5.12.1996. Learned counsel for the respondents submits that he is aware of the circular dated 5.12.1996 and he further submits that if the applicants are entitled to any relief under this circular they would get it according to law.

3. In view of the subsequent event which is brought to our notice dated 5.12.1996 and the applicant's counsel is restricting his prayer to the circular dated 5.12.1996, we feel that the O.A. can be disposed of with a direction to the respondents to consider the case of the applicants whether they are entitled to any benefit under the circular dated 5.12.1996 and grant that relief if available to them. The applicants may also make a detailed representation as to how they are entitled to



.3.

get the benefit in terms of Circular dated 5.12.96 within two weeks from the receipt of a copy of this order and the respondents to pass appropriate orders on the question whether the applicants are entitled to any benefits and if so what benefits in terms of circular dated 5.12.1996 and extend such benefits as is permissible as per the circular within three months thereafter. If the applicants are not satisfied with any such order passed by the respondents, it is open to them to approach this Tribunal for appropriate reliefs according to law. Since we are disposing of the O.A. the Miscellaneous Petition No. 238/97 does not survive.

4. For the above reasons the O.A. is disposed of subject to the above observations made in para 3 above. In the circumstances of the case there would be no order as to costs.

M.R.Kolhatkar

(M.R.Kolhatkar)

Member(A)

R.G.Vaidyanatha

(R.G.Vaidyanatha)

Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

C.P. NO.: 52/99 IN O.A. NO.: 421/93.

Dated this Friday, the 18th day of February, 2000.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).  
Hon'ble Shri S. L. Jain, Member (J).

Mr. C. P. Pathan ... Applicant  
(By Advocate Shri K.S. Kalappura)

VERSUS

Brigadier A. K. Singh,  
Chief Engineer (Navy),  
26, Assaye Buildings,  
Colaba, Mumbai - 400 005. ... Respondent  
Contemnor.  
(By Advocate Shri R. R. Shetty  
for Shri R. K. Shetty).

TRIBUNAL'S ORDER :

Heard Shri K. S. Kalappura for the applicant  
and Shri R. R. Shetty for Shri R. K. Shetty, Counsel  
for respondents.

2. A direction had been made on 14.01.2000 with  
regard to C.P. No. 52/99 that reply to the representation  
may be given by the respondents. Shri R. R. Shetty states  
that a reply dated 28.01.2000 has been already sent and  
this is admitted to be received by the Learned Counsel,  
Shri K. S. Kalappura.

3. The point before us is simple, as to whether  
the directions given in the order dated 15.10.1997 in  
O.A. are complied with ? The Learned Counsel, Shri K.S.

BnS

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Kalappura argues that the implementation has not been done properly. Well ~~as~~ <sup>Babu</sup> he may have a grievance against the implementation but the grievance cannot be brought up in a contempt petition. It is to be brought up properly through an O.A. The C.P. therefore cannot be entertained. Liberty is granted to the filing of an O.A. Contempt Petition No. 52/99 is hereby rejected with liberty to file a fresh O.A. Copy of reply produced in Court is taken on record. Notice discharged.

<sup>महाराष्ट्र</sup>  
(S. L. Jain)  
M(J).

<sup>B. N. Bahadur</sup>  
(B. N. Bahadur)  
M(A).

OS\*