

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P.NO.27/96 in OA.NO.1000/94

Friday this the 5th day of December, 1997

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri P.P.Srivastava, Member (A)

All India CGHS Employees' Assn.

By Advocate Shri B.Ranganathan ... Applicant
V/S.

A.K.Mukharji, D.G.H.S.,
Nirman Bhawan, New Delhi.

By Advocate Shri S.S.Karkera
for Shri P.M.Pradhan, CGSC ... Respondents

Tribunal's Order

This is a contempt petition alleging
that the respondents have not complied with the
order passed by this Tribunal dated 28.10.1994
in OA.NO.1000/94. Respondents have filed reply.

Heard both sides.

2. This Tribunal had passed the order dated
28.10.1994 directing the respondents to take a
decision on the representation of the applicant
dated 8.11.1993 and pass a reasoned order within
a particular time limit.

Now it is brought to our notice that the
respondents have passed an order dated 20.2.1995
in which they have given a different scale of pay
to the applicant under the Laboratory Technician
but not the one scale prayed for by the applicant.
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We express inability to ~~sanction~~ the claim asked for
by the applicant in this contempt petition. We cannot

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go into the correctness or otherwise of the order dated 20.2.1995. The respondents have complied with the order of this Tribunal by taking a final decision on the applicant's representation. It may not be a very lengthy speaking order but anyhow it gives an indication that the Government is not conceding the claim of the applicant for ^{any} particular scale. Reply is filed to the contempt petition as to why the scale asked for by the applicant cannot be given.

Since respondents have passed an order on the representation of the applicant, our view is no contempt is committed. However, if the applicant is aggrieved by the decision in the reply dated 20.2.1995, the applicant can challenge the same according to law.

3. In the result, the contempt petition is rejected without prejudice to the right of the applicant to challenge the Government decision conveyed by the letter dated 20.2.1995 according to law. No costs.



(P.P. SRIVASTAVA)

MEMBER (A)



(R.G. VAIDYANATHA)

VICE CHAIRMAN

mrj.

(6)

dd: 5/12/97
order/Judgement despatched
to Applicant/Respondent (s)
on 16/12/97

24/12/97