

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

Contempt Petition No. 26/96

IN

Original Application No. 734/93

Date of Order : 6-9-96

Between :-

1. R.Chandra Sekhar
2. KGS Parvathi
3. V.Syamalamba
4. NVR Prasad
5. K.Kubba Rao
6. K.Vedhvrath
7. Lakshminarayana
8. N.Nagarajan
9. B.Satyanarayana
10. M.Radha Krishna

... Applicants

And

1. Shri V.Padmanabhaiah  
Secretary, Ministry of Home Affairs,  
Govt. of India, New Delhi.
2. Shri Montek Singh Ahluwalia,  
Secretary, Ministry of Finance,  
Government of India, New Delhi.
3. Dr.M.Vijayan Unni, Registrar General,  
Census, Govt. of India,  
2/A, Mansingh Road, New Delhi.
4. Shri Y.G.Krishna Murthy,  
Director of Census Operations,  
AP, Hyderabad.

... Respondents

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Counsel for the Applicants : Shri J.V.Lakshmana Rao

Counsel for the Respondents : Shri N.V.Raghava Reddy, Addl.CGSC

CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN *msc*

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

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(Order per Hon'ble Justice Shri M.G.Chaudhari,  
Vice-Chairman).

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Sri J.V.Lakshman Rao, for the petitioner. Sri W.Satyanarayana, holding for Sri N.V.Raghava Reddy for the Respondents. We see no ground to admit this Contempt Petition. The Original Order gave following directions :-

- (i) The applicants were to be given the benefit of pay scale of Rs.1350-2200 from 1.1.86 till the date of promotion of each of them as Jr.Supervisor and consequential arrears to be paid;
- (ii) The pay scale of the applicants in the post of Jr.Supervisors to be fixed on the basis of pay of each of the applicant in the pay scale of Rs.1350-2200 and arrears to be paid;
- (iii) Respondents to consider the case of the applicants for equation of pay in accordance with OM dt.11.9.89 if they found eligible and entitled to on par with benefits given to other ministries and organisations to be granted the same benefit if so decided;

2. The learned counsel for the applicant states that direction No.1 has been complied with. His grievance is that the Respondents have not complied with the second direction in the light of the 3rd direction. The direction was given was that the pay scale of the applicants as Jr.Supervisors was to be fixed on the basis of last drawn pay in the scale of pay of Rs.1350-2200 consistently with the benefit given to them of that pay scale from 1-1-86. *Necessity of it follows* The only ground that the applicants could not be fixed on a pay lower than they had reached in the scale of Rs.1350-2200 on the date on which they became Jr. Supervisors, which is stated to be in 1988. The grievance

however is not made on that score in the petition. What the learned counsel for the applicant submits is that the respondents have not taken a decision under direction No.3 mentioned above to extent the benefit of the scale of Rs.1600-2660 to the applicants in the posts of Jr. Supervisors and that amounts to non compliance of the original order. It is not possible/accept this contention firstly because the direction was merely to consider <sup>the</sup> question of parity of pay scales which <sup>does</sup> not mean that there was a direction to give that scale straight away and secondly the respondents have complied with the direction by taking a decision vide Annexure-~~1~~2, not to modify the existing pay scale of Junior Supervisors.

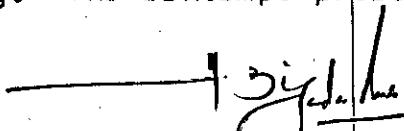
The grievance that this decision is not fair and the applicants are entitled to the pay scale of Rs.1600-2660 does not relate to the directions contained in the OA and the question of non-compliance of the order therefore does not arise even with that grievance.

No action for contempt can be taken on that basis.

3. The learned counsel for the applicant submits that Annexure-~~1~~2 by which the decision not to modify the pay scale of Jr. Supervisor is concerned, it has no authority as it has been issued by the <sup>AM</sup> incompetent authority viz., The Director of Census Operation, Hyderabad and the decision also is not in tune with the decision of the Principal Bench in OA Nos.1831/93 and 1832/93 dt.2.9.94 (Annexure-6). What we however notice from the memorandum Annexure-2 is that it is based on the instructions contained in the Ministry of Finance, Department of Expenditure OM. F.7(1)/IC/86 (44), dt.11.9.89 read with IM No.F.7(1)/IC/86(44) dt.12-1-90 and in consultation with the Ministry of Finance, Department of

Expenditure, the Government of India who had undertaken review of the structure of pay-scales in respect of the posts of Jr. Supervisors i.e. in respect of pay-scale of Rs.1400-2300 and of Senior Supervisors in the pay-scale of Rs.1640-2900 in the office of Registrar General of India with ~~reference~~ advise by the N.I.C. for different levels of Data Entry posts as per the instructions contained in Ministry of Finance O.M. dt.11.9.1989. It is not therefore correct to say that the decision was taken by ~~the illegal/incompetent authority~~ since it is taken by the Government of India. Moreover this memorandum appears to have been marked to the Registrar General of India (Respondent No.3), who ~~has not dis-agreed with the same.~~

4. In so far as the claim of the applicants that they should be placed in the higher scale which involves disputing the correctness of the decision mentioned above of the Government of India conveyed by memorandum dt.11.9.89 in Annexure-2 and based on the decision of the Principal Bench <sup>is concerned, such</sup> as a question which cannot be entertained in the contempt application as it does not arise from the directions given in the Original Applications. In the contempt petition all that <sup>is</sup> required to be seen <sup>is</sup> that whether the directions given are complied with or not. Since the Respondents have complied <sup>the same</sup> with and the dispute now sought to be raised is out side the scope of the O.A. <sup>No</sup> question of dis-obedience to the original order <sup>can</sup> arise. The contempt petition is accordingly rejected.

  
(H.RAJENDRA PRASAD)  
Member (A)

  
(M.G.CHAUDHARI)  
Vice-Chairman

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Dated: 6th September, 1996.  
Dictated in Open Court.

  
Deputy Registrar (D.C.C.)

1 COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 6.-9 -1996

ORDER/ JUDGMENT

M.R.R.A./C.A. No. 26/96

in

O.A.No. 234/93

T.A.No. (w.p. )

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

