

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CONTEMPT PETITION NO.31 of 1996

IN

ORIGINAL APPLICATION NO.236/96

DATE OF ORDER : 6-9-96

Between :-

P.Akbar Basha

... Applicant (Applicant No.3)

And

1. Sri Modi,
Secretary to the Ministry of Communications,
Department of Telecom, New Delhi - 110 001.
2. M.V. Bhaskar Rao,
Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad-500 001.

... Respondents (Respondents 1 & 2)

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Counsel for the Applicant : Shri B.S.A.Satyanarayana

Counsel for the Respondents : Shri V.Bhimanna, Addl.CGSC

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CORAM:

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

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

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

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All though it is mentioned by Mr.T.V.S.S.Murthy that Mr.BSA Satyanarayana is not in a position to attend today, we think it unnecessary to adjourn the matter in view of the statement being made by Mr.V.Bhimanna, learned additional standing counsel for the respondents.

2. The complaint of the applicants who are 33 in number in this petition is that the respondents have not complied with the directions contained in the original judgement within the stipulated time and therefore they are liable for action for disobedience of the order. By the said order, the applicants were directed to be extended the benefit of productivity linked bonus subject to their having put in 240 days of service each year ending 31st March for three years or more based on their average monthly emoluments determined by dividing the total emoluments for each accounting year of eligibility by 12 subject to other conditions prescribed from time to time. This formula was adopted ^{from} by the decision of the Ernakulam Bench rendered in OA 171/89.

3. Mr.V.Bhimanna states that he has instructions to convey that out of 33 applicants the benefit has already been given to 26 persons and to that extent, the original order has been complied with. He further states that in respect of remaining seven persons details of their service are being ^{collected} ~~calculated~~ and the ^{as} old records have to be checked out, the respondents are ^{pursuing} ~~on the~~ ^{that task and that} very same job. Every endeavour will be made to comply with the

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original order in respect of those seven persons. Since it is ~~is~~ stated that since the relief has already been granted to 26 persons already, we have no reason to ~~presume~~ ^{assume} that the respondents will refuse to comply with the original order in regard to the remaining 7 persons, ~~and the delay is occurring~~ ^{has occurred} for genuine reasons. Hence the following order :-

(i) It is noted that according to the Respondents 26 of the applicants have been given the benefit and the original order is complied with;

(ii) On the basis of this statement no action is called for in this petition in respect of ^{complaint of} those 26 persons.

(ii) On the request of the respondents made by the learned counsel for the respondents, we grant two months time from the date of receipt of a copy of this order to the respondents to fully comply with the original order in respect of the remaining applicants.

(iii) In default on the part of the respondents to comply with the original order in respect of the remaining seven applicants unless any ~~advance time~~ ^{in advance} ~~got~~ ^{is got} extended after notice to the other side, the said applicants will be at liberty to apply for suitable action if so advised. Likewise if factually any one of the 26 applicants in respect of whom the original order ^{is stated} to have been complied with, the same is found to be ~~factually~~ wrong, the said applicant/applicants will be at liberty to apply for suitable action.

4. The Contempt Petition is disposed-of in terms of the aforesaid order. No costs.

(H. RAJENDRA PRASAD)
Member (A)

(M.G. CHAUDHARI)
Vice-Chairman

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

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Deputy Registrar (DCC)