

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Order: 7.12.95.

CP 141/94 (OA 130/91)

A.K. Gaur

... Petitioner.

Versus

Shri M. Ravindra and others

... Respondents.

CORAM:

HON'BLE MR. O.P. SHAFMA, MEMBER (A)

HON'BLE MR. PATTAN PRADASH, MEMBER (J)

For the Petitioner ... Mr. P.V. Calla

For the Respondents ... Mr. U.D. Sharma

O R D E R

PER HON'BLE MR. O.P. SHAFMA, MEMBER (A)

Shri A.K. Gaur has filed this Contempt Petition alleging that the respondents, by not complying with the directions of the Tribunal given in the order passed on 22.8.94 in OA 130/91, have committed contempt of court. The petitioner's basic prayer in the OA was that he should be granted scale of pay Rs.330-560 instead of Rs.330-530 inasmuch as in the advertisement issued for the post to which the petitioner was recruited the scale of pay of the post was mentioned as Rs.330-560. The Tribunal passed the following order on 22.8.94 while disposing the OA :-

"Heard the learned counsel for the parties and have perused the record. It was pointed out by the learned counsel for the respondents that vide order dated 18.8.1994 directions have been given to amend the earlier order and now the applicant has been placed in the grade of Rs.330-560 by amending the original order. In the light of the order dated 18.8.1994, the O.A. is disposed of as under :

The respondents shall consider the case of the applicant with regard to the restoration of salary, seniority and allied matters according to law within a reasonable time.

There shall be no order as to costs."

2. The petitioner's case is that the respondents were under an obligation to fix the pay of the petitioner in the grade Rs.330-560 from the date he was declared as having successfully completed his training and thereafter the period of training should have been treated as on duty for all consequential

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benefits. By not doing so, the respondents have acted unfairly not only vis-a-vis the petitioner but also the Tribunal.

3. During the arguments, the learned counsel for the petitioner stated that scale of pay Rs.330-560 was required to be provided to the petitioner for the period prior to 1.1.86, during which period he was under training. He also stated that the order Annexure P-3 passed by the respondents on 7/8.9.94 does not provide any fitment to the petitioner in the scale of pay Rs.330-560 but in fact this order deals only with the question of seniority of the petitioner as per the directions of the Tribunal.

4. The learned counsel for the respondents stated during the arguments that prior to 1.1.86 the petitioner was under training and was being paid only stipend for the training period. The actual appointment to the working post was w.e.f. 21.2.86. With effect from 1.1.86 new scales of pay came into effect on the basis of the recommendations of the 4th Central Pay Commission and the scales Rs.330-530 and Rs.330-560 were merged into one scale of pay Rs.1200-2040. On his appointment, which was after 1.1.86, the petitioner was given scale of pay Rs.1200-2040. Therefore, the directions of the Tribunal have been complied with and no contempt of court has been committed by the respondents.

5. We have heard the learned counsel for the parties and have gone through the material on record. During the period prior to 1.1.86 the petitioner was under training and he was not given any specific scale of pay but was only provided with stipend. He became eligible for grant of a regular pay scale on his appointment on 21.2.86 and a regular scale of pay, as introduced w.e.f. 1.1.86, was given to him. The scale of pay given to the petitioner was the one created after merger of the scales Rs.330-530 and Rs.330-560. Therefore, the petitioner cannot have any grievance regarding scale of pay given to him w.e.f. the date of his appointment namely 21.2.86. The petitioner's dispute is only regarding not being given the scale of pay for the period prior to 1.1.86 when he was under training. The argument that since there is a provision for counting the period of training as qualifying service and also for the purpose of increment does not mean that regular scale of pay should have been provided to the petitioner for the period of training also. In any case, this is not a matter which can be within the scope of a contempt petition. We are of the view that the directions of the Tribunal have been complied with by the respondents. The Contempt Petition is, therefore, dismissed. However, if the petitioner still feels aggrieved with any decision taken by the respondents, which is not within the scope of the Contempt Petition, he may file a fresh application.

(RATTAN FRANKASH)
MEMBER (J)

(O.P. SHARMA)
MEMBER (A)