THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant(s) Respondent (s)

Advocate for Applicant (s) Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL

29.02.2008

CP 6/2008 (OA No. 549/2000)

None present for applicant.

This case has been listed before the Deputy Registrar due to *non availability of Division Bench. Be listed before the Hon'ble* Bench on 04.03.2008.

(GURMIT SINGH)
DEPUTY REGISTRAR

ahq

04.03.2008.

CP 3/2008 (OA 313/99)
CP 04/2008 (OA 152/1991)
CP 05/2008 (OA 407/2003)
CP 06/2008 (OA 549/2000)
CP 07/2008 (OA 381/2003)
CP 08/2008 (OA 504/2003)

Mr. Ajay Tyagi, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the Contempt Petition is disposed of.

(J.P. SHUKLA)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 04th day of March, 2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

1. **Contempt Petition No. 03/2008**
In
Original Application No. 313/1997

1. Smt. Neelam Prashar wife of Shri Sanjay Parashar
2. *Shri Shashi Kant Sharma son of Late Shri Brij Mohan Sharma*
3. Shri R.S. Yadav son of Shri Hanuman Singh Yadav
4. Shri Ram Singh Jatav son of Shri Late Shri Ganga Ram Jatav
5. *Smt. Sarla Makhija son of Shri Naresh Makhija*

.....APPLICANTS

(By Advocate: Mr. Ajay Tyagi)

VERSUS

1. Shri Ajay Shankar, Secretary, Govt. of India, Department of Industrial Policy & Promotion, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi.
2. Shri S. Sundaresan, Salt Commissioner, 2-A, Lavan Marg, Jhalana *Doongri, Jaipur.*

.....RESPONDENTS

(By Advocate: Mr. -------)

2. **Contempt Petition No. 04/2008**
In
Original Application No. 152/1991

1. Shri Pradeep Shankar Bhatnagar son of Shri Shiv Shankar Prasad *Bhatnagar*
2. Shri V.K. Mathur son of Late Shri R.K. Mathur
3. Shri Raj Kumar son of Late Shri Bhagwan Sahai
4. *Shri M.C. Jethwani son of Shri K.M. Jethwani*

.....APPLICANTS

(By Advocate: Mr. Ajay Tyagi)

VERSUS

1. Shri Ajay Shankar, Secretary, Govt. of India, Department of Industrial Policy & Promotion, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi.
2. Shri S. Sundaresan, Salt Commissioner, 2-A, Lavan Marg, Jhalana *Doongri, Jaipur.*

.....RESPONDENTS

(By Advocate: Mr. -------)

3. **Contempt Petition No. 05/2008**
In
Original Application No. 407/2008

1. Ms. B.R. Padmanjana daughter of Shri B.K. Rama Rao
2. *Shri Pranab Jyoti Deka son of Shri S.C. Deka*

.....APPLICANTS

(By Advocate: Mr. Ajay Tyagi)

VERSUS

1. Shri Ajay Shankar, Secretary, Govt. of India, Department of Industrial *Policy & Promotion, Ministry of Commerce & Industry, Udyog Bhawan,* New Delhi.
2. Shri S. Sundaresan, Salt Commissioner, 2-A, Lavan Marg, Jhalana *Doongri, Jaipur.*

.....RESPONDENTS

(By Advocate: Mr. -------)

4. Contempt Petition No. 06/2008
In
Original Application No. 549/2000

1. Shri Nagorao Bhanji Gajbhiya son of Shri Bhanji Punaji Gajbhiya
2. *Shri Rakesh Kumar Mishra son of Shri Surendra Kumar Mishra*
3. Shri Shree Gopal Joshi son of Late Shri Vijay Kishan Joshi
4. Shri Aladeen Khan son of Shri Gafoor Khan
5. Shri N.K. Sain son of Shri Jeetmalji Sain
6. Shri K.L. Meena son of Shri Late Shri Nathu Ram Meena

.....APPLICANTS

(By Advocate: Mr. Ajay Tyagi)

VERSUS

1. Shri Ajay Shankar, Secretary, Govt. of India, Department of Industrial Policy & Promotion, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi.
2. Shri S. Sundaresan, Salt Commissioner, 2-A, Lavan Marg, Jhalana *Doongri, Jaipur.*

.....RESPONDENTS

(By Advocate: Mr. -------)

5. **Contempt Petition No. 07/2008**
In
Original Application No. 381/2003

1. Shri Ram Avtar Verma son of Late Shri Ram Niwas Verma

.....APPLICANT

(By Advocate: Mr. Ajay Tyagi)

VERSUS

1. Shri Ajay Shankar, Secretary, Govt. of India, Department of Industrial Policy & Promotion, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi.
2. Shri S. Sundaresan, Salt Commissioner, 2-A, Lavan Marg, Jhalana *Doongri, Jaipur.*

.....RESPONDENTS

(By Advocate: Mr. -------)

6. **Contempt Petition No. 08/2008**
In
Original Application No. 504/2003

1. Shri Deepak Sardana son of Shri Madan Mohan Sardana

.....APPLICANT

(By Advocate: Mr. Ajay Tyagi)

VERSUS

1. Shri Ajay Shankar, Secretary, Govt. of India, Department of Industrial Policy & Promotion, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi.
2. Shri S. Sundaresan, Salt Commissioner, 2-A, Lavan Marg, Jhalana *Doongri, Jaipur.*

.....RESPONDENTS

(By Advocate: Mr. -------)

ORDER (ORAL)

By this common order, we propose of dispose of aforesaid Contempt Petitions as common question of law is involved in these cases.

2. Applicants working as Assistants in the office of Salt Commissioner have filed OAs before this Tribunal thereby claiming pay at par with pay which was being given to the Assistant working in Central Secretariat, as according to the applicants, the duty & responsibilities of the Assistants in Central Secretariat and Salt Commissioner are the same. The said OAs were allowed by this Tribunal thereby giving direction to the respondents to grant the pay scale of Rs.1640-2900 to all the Assistants working in the office of the Salt Commissioner notionally w.e.f. 01.01.1986 and actually from a date not later than 24.09.1990. In subsequent OAs, direction given was to give pay scale of Rs.5500-9000 being revised scale of Rs.1640-2900. It is not disputed by the petitioners that the said pay scale has been granted to them in compliance of the judgements rendered by this Tribunal. The grievance of the applicants in these Contempt Petition is that the respondents have further upgraded the pay scales of Assistants working in Central Secretariat vide order dated 25.09.2006 (Annexure A-9). Thus according to the petitioners, on the basis of the ratio laid down by this Bench, which judgements have attained finality, it was incumbent upon the respondents to upgrade the pay scale of Assistants working in Salt Commissioner at par with the Assistants working in Central

Secretariat. As such according to applicants, such an action of the respondent is contemptuous.

3. We have given due consideration to the submission made by the learned counsel for the petitioners. We are of the view that asking for upgraded pay scale by the Assistants working in Salt Commissioner at par with Assistants working in Central Secretariat, as granted by the respondents vide order dated 25.09.2006 (Annexure A/9), does not amount to violations of the direction given by this Tribunal which will constitute a separate cause of action and for that purpose the present Contempt Petition is not a remedy. Further admittedly this Tribunal in Contempt Petition cannot give direction over & above the directions which were given in the earlier judgements on the basis of which contempt proceeding has arisen. Thus according to us, it is not a case where notices are required to be issued in these Contempt Petitions, which is accordingly disposed of. However it is clarified that disposal of these Contempt Petition will not come in the way of the petitioners to file substantive OA or to take further legal action pursuant to Memo dated 25.09.2006 (Annexure A/9).

4. With these observations, all these Contempt Petitions shall stand disposed of.

(J.P. SHUKLA)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

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