

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 07.4.2000

CP 38/99 (OA 407/98)

Smt. Kusum George, Laboratory Technician, P&T Dispensary No.2, Tilak Nagar, Jaipur.

... Applicant/Petitioner

Versus

1. Sh.R.U.S.Frasad, Secretary & Director General Posts, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Sh.E.E.Kapoor, Chief Post Master General, Rajasthan Circle, Jaipur.

... Respondents

CORAM:

HON'BLE MR.JUSTICE B.S.RAINOTE, VICE CHAIRMAN

HON'BLE MR.N.F.NAWANI, ADMINISTRATIVE MEMBER

For the Petitioner

... Mr.C.B.Sharma

For the Respondents

... Mr.K.N.Shrimal

O R D E R

PER HON'BLE MR.JUSTICE B.S.RAINOTE, VICE CHAIRMAN

This petition is filed complaining the disobedience of the order of this Tribunal dated 7.4.99, passed in OA 407/98.

2. It appears from the order dated 7.4.99, passed in OA 407/98, that the complainant was appointed as Laboratory Technician in the first instance. Later, she was appointed to the said post in the pay scale of Rs.1350-2200, by an order dated 6.4.99. The department contended that this pay scale was given to the applicant by mistake and after the Fifth Central Pay Commission the correct pay scale should have been Rs.1200-2040 with the corresponding pay scale fixed by the Fifth Central Pay Commission. In view of these circumstances, the pay scale of the applicant was reduced to Rs.1200-2040. The complainant filed the said OA 407/98 mainly on the ground that it was done without giving any show-cause notice to her. In those circumstances, this Tribunal allowed the applicant's application and set aside the order and the respondents were directed to pass a fresh order regarding the applicant's pay and emoluments after affording an opportunity to her by serving a show-cause notice and giving an opportunity to the applicant to make a representation thereon. In obedience to the said order, the

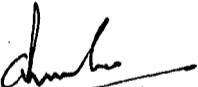
respondents gave a show-cause notice to the applicant vide Annexure R-1 to this Contempt Petition. The applicant received it and gave a reply, as under :-

"Kindly honour the Hon'ble Tribunal order by which action taken for reducing the pay has been set aside. So no order is in force by which pay can be reduced, which requires 1st restoration of pay and releasing all dues and the same has been done prior to issuance of notice.

So in view of above, I am not in position to reply to notice referred to above."

From the stand taken by the applicant it is clear that she does not want to show cause in terms of the show-cause notice issued to her. So far as the contemnors are concerned, they have obeyed the order of this Tribunal by issuing the show-cause notice. It was for the complainant to file a detailed reply to show cause as to why she was entitled to the higher pay scale, which she has not done. Prima-facie we find that so far as the contemnors are concerned, they have not committed any contempt of this Tribunal since they have already issued a show-cause notice, as directed by this Tribunal. In these circumstances, we do not think that we can punish the contemnors for the alleged disobedience of the order of this Tribunal. In this view of the matter, we pass the order as under:-

The Contempt Petition is closed.


(N.F.NAWANI)

MEMBER (A)


(B.S.FAIMOTE)

VICE CHAIRMAN