

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. C.P. 13/07 in C.A. 90/06
2. Mise Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(S)

Ms. Asha Swaroop Pieltry
VS- Union of India & Ors
Tapan Sutradhar

Advocate for the Applicants:-

Advocate for the Respondents:-

Notes of the Registry	Date	Order of the Tribunal
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This Contempt petition has been filed by the Counsel for the Applicant u/s 17 of the CAT Act, 1985 and praying for initiation of Contempt proceeding against the alleged Contemner for non-compliance of the order dated 9.5.06 passed by this Tribunal in C.A. 90/06.

Laid before the Hon'ble Court for further orders.

I have heard counsel for the parties. Ms.U.Das learned Addl.C.G.S.C for the Respondents is directed to take instructions in this regard. Post the matter on 23.8.07.

Vice-Chairman

Ms.U.Das, learned Addl. C.G.S.C. submitted that Respondents had complied with the order and she requested for two weeks time to file affidavit to that effect. Let it be done.

Post the case on 11.9.2007.

Vice-Chairman

/bb/

11.9.07 Counsel for the respondents has submitted that the

for Section 87 respondents are sent the affidavit so as to file before this

Court. Counsel for the respondents has sought time to file the same for compliance of the order of this Tribunal. Post the matter on 27.9.07.

Vice-Chairman

Received
Alosha Das
Addl C.G.S.C
02/8/07
10.9.07
No affidavit filed

27.9.2007

Heard Mr.B.Sarma, learned counsel for the petitioner and Ms.U.Das, learned Addl. Central Government Standing Counsel for the contemners/opposite parties.

26.9.07.

26.9.07

Reply affidavit
filed by Contemners
No 2. undertaking
given for the service
copy. *(Signature)*

Improper compliance of the order dated 09.05.2006 of this Tribunal rendered in Original Application No.90/2006 is the subject matter of this contempt proceeding. By filing the reply the contemners have explained that the grievances of the petitioner, as raised in his representation, is under active consideration at the Ministry level and the Ministry is in seize with the matter. On the face of the reply learned counsel for the Petitioner has placed a memorandum to the following effect:-

" It is prayed that Your Lordship's may be pleased to allow the counsel for the petitioner to withdraw the abovementioned Contempt Petition in view of the orders dated 17.7.2006 and 23.11.2006 passed by the Respondent/Contemners with liberty to approach the appropriate forum for agitating the grievances of the petitioner."

In the aforesaid premises, the Petitioner is permitted to withdraw this Contempt Petition to work out his remedy in appropriate forum.

The Contempt Petition is accordingly dropped.

28.9.07

Mr. T. B. Bandyopadhyay and Mr. Khushiram

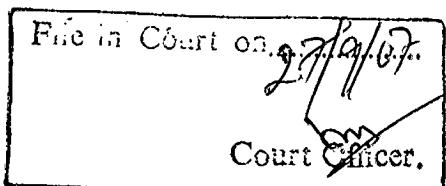
(Signature)
(Khushiram)
Member (A)

(Signature)
(M.R.Mohanty)
Vice-Chairman

Copy of the order has been sent to the office of Mr. Mohanty and Mr. Khushiram for issue to the concerned parties.

/bb/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT GUWAHATI



CONTEMPT PETITION NO:- 18/2007

Sri Japan Sutradhar

→ petitioner

-Versus-

Mr. Asha Swaroop Pie-Law

→ Respondent

It is prayed that Your Lordships' may be pleased to allow the counsel for the petitioner to withdraw the abovementioned Contempt Petition in view of the orders dated:- 17.7.2006 and 23.11.2006 passed by the Respondent/Contemner with liberty to approach the appropriate forum for agitating the grievances of the petitioner.

Filed by:-

B. Sharma

(B. Sharma)

Advocate.

27.09.2007.

==

केन्द्रीय दसाउनिक अधिकारण
Central Administrative Tribunal

- 6 JUL 2007

गुवाहाटी न्यायालय
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH: AT GUWAHATI.

(An application under section 17 of the Administrative Tribunals Act 1985)

CONTEMPT PETITION NO. 13 /2007

In O.A. No.: 90/2006

IN THE MATTER OF:

Sri Tapan Sutradhar

.....Petitioner

Versus

The Union of India & Ors

.....Contemnors

IN THE MATTER OF:

An application under section 17 of the Administrative Tribunals Act, 1985 praying for initiation of contempt proceeding against the alleged contemnors for non-compliance of the order dated 09.05.06 passed in O.A. No. 90/06.

And

IN THE MATTER OF:

Sri Tapan Sutradhar, son of Late Dinesh Ch. Sutradhar, resident of Sangati Path, House No. 51, Tarun Nagar, Guwahati.

...Petitioner

Versus

Filed by: the petitioner
through → Brijesh Sharma
Advocate

1. Ms Asha Swaroop Pie, Secretary, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi – 1.
2. Mr. U. K. Misra, Director General, Directorate of Advertising & Visual Publicity (DAVP), Soochna Bhawan, CGO Complex, Lodhi Road, New Delhi – 3.

.....Contemnners

The humble petition/ application of the petitioner/ applicant above named:

MOST RESPECTFULLY SHEWETH:

1. That your petitioner being aggrieved by the deprivation meted out to him by the respondent authorities in not granting him the scale of pay being drawn by similarly situated persons working against corresponding posts in other Audit & Accounts Departments of the Government of India, approached this Hon'ble Tribunal by way of preferring the Original Application being numbered as O.A. No. 90/ 06 praying for the following relief/ reliefs.

- “8.1 To Direct the respondents authorities to grant to the petitioner the scaly of pay of Rs. 4500-7000/- in the entry cadre w.e.f. the date of appointment of the applicant to the said cadre.
- 8.2 To Direct the respondent authorities to grant to the applicant the scale of Rs. 5500-9000/- w.e.f. the date he had completed 3 years of service in the entry grade of the Accounts cadre of DAVP.

8.3 To Direct the respondent authorities to promote the applicant to the grade of Accountant w.e.f. the date he completed five years of service in the entry grade and for the purpose to give retrospective effect to the order dated 22.07.02 (Annexure – 5).

8.4 To Direct the authorities to grant to the applicant the scale of pay as attached to posts analogous to the post of Accountant, in the Accounts cadre of DAVP, as figuring in other Accounts Department to the Government of India, which are treated as Organised Accounts Cadres.

8.5 To release to the applicant the difference in pay after effecting the revisions in his pay as prayed for above.

8.6 Alternatively to direct the respondent authorities to accommodate/ adjust the services of the applicant in any other Accounts Department of the Government of India, which are treated as Organised Accounts Cadres and to extend to his all service benefits that persons selected along with him and appointed to such departments stood to enjoy.

8.7 Cost of application.

8.8 Any other relief/ reliefs to which the applicant is entitled to under the facts and circumstances of the case and as may deem fit and proper by this Hon'ble Tribunal upon consideration of the facts and circumstances of the case."

2. That your petitioner states that this Hon'ble Tribunal upon consideration of the grievance raised by the petitioner in the abovementioned Original Application was pleased vide is order dated 09.05.06 to direct that the petitioner would file a comprehensive representation raising his grievance before the respondent authorities which would be considered and disposed of by the respondent no.2 or any other competent authority within a period of 3

(three) months from the date of receipt of such representation preferred by the petitioner.

A copy of the order dated 09.05.06 is annexed as Annexure - A.

3. That your petitioner states that on receipt of a copy of the order dated 09.05.06 (Annexure-A) from the Registry of this Hon'ble Tribunal, the petitioner vide his representation dated 19.05.06 furnished a copy of the order dated 15.05.06 before the Director General of Directorate of Advertising & Visual Publicity (DAVP) and prayed therein for arriving at a decision in the matter within the time frame prescribed by this Hon'ble Tribunal.

A copy of the said representation dated 19.05.06 is annexed as Annexure - B.

4. That your petitioner states that on receipt of the order dated 15.05.06, the authorities of Directorate of Advertising & Visual Publicity (DAVP) have been making correspondences in the matter and bringing out issues having no relevance to the matter on hand. The respondent no. 2 has for the purpose of evading compliance of the directives passed by this Hon'ble Tribunal issued an office memorandum dated 17.07.06 wherein it was stated that on collection of the relevant information, the matter would be taken up with the Ministry of Information & Broadcasting and the final decision in the matter would be taken by the Finance Department. The information that was stated to have been awaited has got no relevance to the case of the petitioner and the same is just a ploy to delay compliance of the directives passed by this Hon'ble Tribunal.

A copy of the order dated 17.07.06 is annexed as Annexure - C.

5. That your petitioner states that this Hon'ble Tribunal vide its order dated 09.05.06 had in categorical terms required the respondent no. 2 and/ or any other competent authority to consider and dispose of representation of the petitioner within 3 months from the date of receipt of the representation of the petitioner. The said directives as passed by this Hon'ble Tribunal is binding on the respondent authorities and they are bound to act in terms thereof. The respondents were required to take all requisite steps in the matter, to ensure compliance with the directives passed by this Hon'ble Tribunal. The failure on the part of the respondent authorities to take requisite steps in the matter has resulted in the violation of the directives passed by this Hon'ble Tribunal and such violation is willful and deliberate.

6. That your petitioner states that from the facts and circumstances narrated herein above, it is an unique case of its kind wherein the contemners have acted in such a manner which is in direct conflict with the aforesaid order dated 09.05.2006 passed by this Hon'ble Tribunal in the Original Application being O.A. No. 90/ 06. All the efforts made by the petitioner to convince the contemners for compliance of the said order dated 09.05.2006 has gone in vain and the contemners have done nothing in the matter towards compliance of the said order dated 09.05.2006. The assurance as given by the authorities towards compliance of the directives passed by this Hon'ble Tribunal and the failure to act on the same would go to show that there has been continuous violation of the directives passed by this Hon'ble Tribunal. As such the contemners are liable to be proceeded against under the appropriate provisions of law for such willful and deliberate violation of the order dated 09.05.2006 passed by this Hon'ble Tribunal.

7. That it is under the aforesaid facts and circumstances that the petitioner is constrained to file the instant application under section 17 of the Administrative Tribunals Act, 1985 to effectively deal with the matter as may be deemed fit and proper. The petitioner has no other alternative remedy and he is concerned with the dignity and majesty of this Hon'ble Tribunal.

8. That this petition has been filed bonafide and to secure the ends of justice.

Under the facts and circumstances stated above, this Hon'ble Tribunal may be pleased to initiate contempt proceeding against the alleged Contemnors for willful and deliberate non-compliance/ violation of the order dated 09.05.06 passed in O.A. No. 90/ 06 by this Hon'ble Tribunal and be pleased to punish the alleged contemnors in accordance with law and further be pleased to pass appropriate orders directing the contemnors to effectively implement the order dated 09.05.06 passed in O.A No. 90/ 06.

And for this act of kindness, the petitioner/ applicant as in duty bound shall ever pray.

... Affidavit.

DRAFT CHARGE

Laid down before this Hon'ble Central Administrative Tribunal, Guwahati for initiating a contempt proceeding against the contemnors for willful disobedience and deliberate non-compliance of order of the Hon'ble Tribunal dated 09.05.06 passed in O.A. No. 90/ 06 and to impose punishment upon the alleged contemner for willful disobedience and deliberate non-compliance of order dated 09.05.06 of the Hon'ble Tribunal.

AFFIDAVIT

I, Shri Tapan Sutradhar, son of Late Dinesh Ch. Sutradhar, aged 41 years, presently residing at Lachit Nagar, Pub-Sarania, Bye Lane no. 1, House No. 3, in the district of Kamrup, Assam do hereby solemnly affirm and state as follows;

1. That I am the petitioner in the accompanying application conversant with the facts and circumstances of the case and as such I am competent to swear this affidavit.
2. That the statements as made in this affidavit and those made in paragraphs 5, 6, 7 and 8 of the accompanying application are true to the best of my knowledge; those made in paragraphs 1, 2, 3 and 4 being matters of record are true to the best of my information and I verily believe it to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this 30 day of June, 2007 at Guwahati.

Identified by

S. Sutradhar

Advocate's ~~Office~~

Tapan Sutradhar

DE PONENT

*The above named deponent -
Solemnly affirmed and sworn
before me on the 30th day June
2007 at Guwahati*

*Suryajit Choudhury
Advocate.*

CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

Original application No.90 of 2006.

Date of order: This the 9th Day of May, 2006.

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN.

Sri Tapan Sutradhar,
son of late Dinesh Ch.Sutradhar,
resident of Sangati Path, House No.51,
Tarun Nagar,Guwahati.

Applicant.

By Advocate Mr.U.K.Nair
Mr.B.Sarma.

-Vs-

1. The Union of India,
represented by the Secretary Government of India,
Ministry of Information and Broadcasting, New Delhi.
2. The Director, Directorate of Advertisement &
Visual Publicity (DAVP), PTI Building, 3rd Floor, Parliament /
Street, New Delhi.
3. The regional Director,
Directorate of Advertisement & Visual Publicity(DAVP)
Nabin Nagar, Janapath, Guwahati-24.
4. The Secretary to the Government of India,
Department of Personnel & Training, New Delhi.
5. The Secretary to the Government of India,
Ministry of Finance, New Delhi.
6. The Regional Director, Staff Selection Commission,
Rukmini Nagar,
Guwahati.

Respondents.

By Advocate Miss Neha Das Addl.C.C.S.C.

ORDER(ORAL)

SACHIDANANDAN,V.C.:

The applicant is presently working as Accountant in the DAVP.
The applicant is aggrieved on the ground of lower scale of pay, than
what is being drawn by similarly situated persons working against
corresponding posts in other Audit & Accounts Departments of the

Certified to be True copy

Advocate

Government of India. The said deprivation is being meted out to the applicant only on the ground that the Accounts cadre in DAVP is not considered as an Organised Accounts cadre and it is averred that contrary to the said position the Accounts cadre existing in the DAVP has a separate and distinct existence in the organisation and has got a reasonable number of incumbents. The promotional avenues of the incumbents in the Accounts Cadre is also well defined and as such it cannot be said that the Accounts Cadre of DAVP is not an organized cadre. The status, duties and responsibilities as attached to the post of Junior Accountant and Accountant figuring in the DAVP Accounts Cadre and that of the similar post figuring in other departments having an organized Account Cadre is one and the same. The Junior Accounts, Accountants and the other incumbents working against other posts in the Accounts Cadre of DAVP discharge works identical and similar in nature to the works being discharged by incumbents in other Indian Audit & Accounts Departments and they shoulder similar responsibilities in this connection. The entry qualifications are similar and the initial recruitment is from one and the same source. The applicant also made representation dated 07.04.2005(Annexure 6) before the 2nd Respondent, which is, not evoke any response. Being aggrieved the applicant has filed this O.A. seeking for the following reliefs:-

"8.1 To direct the respondents authorities to grant to the petitioner the scale of pay of Rs. 4500-7000/ in the entry cadre w.e.f. the date of appointment of the applicant to the said cadre.



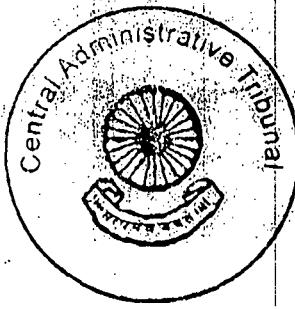
8.2. To direct the respondents authorities to grant to the applicant the scale of Rs.5500-9000/- w.e.f. the date he had completed 3 years of service in the entry grade of the Accounts cadre of DAVP.

8.3. To direct the respondent authorities to promote the applicant to the grade of Accountant w.e.f. the date he completed five years of service in the entry grade and for the purpose to give retrospective effect to the order dated 22.07.02(Annexure 5).

8.4. To direct the authorities to grant to the applicant the scale of pay as attached to posts analogous to the post of Accountant, in the Accounts cadre of DAVP, as figuring in other Accounts Departments to the Government of India, which are treated as Organised Accounts Cadres.

8.5. To release to the applicant the difference in pay after effecting the revisions in his pay as prayed for above.

8.6. Alternatively to direct the respondent authorities to accommodate/adjust the services of the applicant in any other Accounts Department of the Government of India, which are treated as Organised Accounts Cadres and to extend to his all service benefits that persons selected



alongwith him and appointed to such departments stood to enjoy.

- 8.7. Cost of the application.
- 8.8 Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and as may deem fit and proper by this Hon'ble Tribunal upon consideration of the facts and circumstances of the case."

2. I have heard Mr. U. K. Nair learned counsel for the applicant and ~~Miss~~ ~~Mehta~~ ~~Dan~~ learned ~~Adv.~~ C.G.S.C. appearing for the Respondents. When the matter came up for hearing the learned counsel for the applicant has submitted that it is a matter of policy decision and this decision will be taken by the respondents. The counsel for the applicant has stated that he will be satisfied if a direction is given to the respondents to consider the representation and also a representation is proposed to be filed alongwith the O.A. within two weeks from to day. I am of the opinion that if such direction is given it will suffice the interest of justice.

3. Considering the entire facts and circumstances, I am of the view that since it is a matter of first round litigation, the respondents are expected to consider the case of the applicant. Therefore, liberty is given to the applicant to file a comprehensive representation to the 2nd respondent within two weeks. If such representation is filed by the applicant the 2nd respondent or any other competent authority ~~be~~ ~~designated by him~~ shall consider and dispose of the same within three months from the date of receipt of his representation.

The O.A. is accordingly disposed of at the admission stage itself. There will be no order as to costs.

S/VICE CHAIRMAN



LM

TRUE COPY

प्रतिलिपि

N. S. J. 17.5.66

अनुभाग अधिकारी
Section Officer (Jud)

Central Administrative Tribunal

प्रियोग = 1983

AK 17/5/66

To
The Director General,
Directorate of Advertising & Visual Publicity (DAVP)
Ministry of I & B,
3rd Floor, PTI Building,
Parliament Street,
New Delhi - 110001

**Subject: A representation highlighting the grievances
of the undersigned.**

**Reference: Order dated 15-05-2006 passed by Hon'ble
C.A.T. IN O.A. No. 90/06.**

Sir,

With reference to the above, I with due deference and profound submission beg to lay before your honour the following few lines for your kind consideration and necessary action.

That I had vide my representation dated 07.04.2005 prayed before your honour for granting me the scale of pay as authorized to persons holding analogous posts like that of mine in other Indian Audit & Accounts Departments of the Government of India. However, in the said representation, not being considered, I was constrained to approach the Hon'ble Central Administrative Tribunal by way of filing OA No.90/06.

That the Hon'ble Tribunal after recording the arguments as advanced by me was pleased vide its order dated 15-05-06 to remand the matter to you for a consideration of the grievances as raised by me. Further I was given the liberty to prefer an additional representation for placing any further points that may be deemed proper.

A copy of the said order dated 15.05-2006 is enclosed here to and marked as **Enclosure-A**.

That as per the liberty granted to me by the Hon'ble Tribunal, I am placing the following few points in continuation of my earlier representation dated 07/04/2005 for your kind consideration.

- 1) That as evinced the only reason for depriving the incumbents in various grades of the Accounts Cadre of DAVP of the higher scale of pay, authorized to persons holding analogous posts in other Indian Audit and Accounts Department of the Government of India, is that the Accounts Cadre of DAVP is not an organized Cadre.
- 2) That contrary to the said perception, that the Accounts Cadre of DAVP is not an organised Cadre, it is seen that there exists a reasonable number of grades in the Accounts Cadre of DAVP and there is in place a set procedure for the advancement of the incumbents in the accounts cadre to the next higher grades.
- 3) That the question as to what an "Organised Cadre" means is no longer a dispute after the decision of the Principal Bench of the CAT,

Certified to be True copy
S/
Advocate

New Delhi vides order dated 24.-2.2004 in OA No. 208/04. The said decision has been upheld by the High Court, Delhi and also by the Supreme Court of India.

Copies of the said orders dated 24.2.2004 alongwith the orders passed by Delhi High Court and the Supreme Court are enclosed herewith and marked as Enclosure **B, C** and **D** respectively.

4) That in addition to the said points, I beg to rely upon the contentions as raised by me in OA No. 90/06 for the purpose of highlighting my grievances.

A copy of the OA No.90/06 alongwith its annexure is enclosed and marked as Enclosure-**E**.

In view of the above, it is most respectfully prayed that your honour would be pleased to consider my representation dated 04-07-2005, my this representation, the contentions as raised by me in OA No.90/06 and also the decision rendered by the Principal Bench of CAT in OA No. 208/97 and on close perusal of the same be pleased to grant to me, my pay & allowances in terms of the statement enclosed as enclosure-**F**.

It is most humbly prayed that the decision in the matter be communicated to me in terms of the said order dated 15-05-2006 within the time frame prescribed therein.

In the event of your honour being pleased to accede to my said prayer and to grant me pay and allowances in the scale of pay as claimed by me. I shall spare the efforts to discharge my duties to the utmost satisfaction of your honour.

Thanking you,

Yours faithfully,


(Tapan Sutradhar)
Accountant
RO, DAVP, Guwahati

Encls: As above

Date: 19.05.2006

GOVERNMENT OF INDIA

सूचना और प्रसारण मंत्रालय

MINISTRY OF INFORMATION & BROADCASTING

विज्ञापन और दृश्य प्रचार निदेशालय

तृतीय तल, पी. टी. आई. विल्डिंग, संसद मार्ग, नई दिल्ली-११० ००९

DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY

3rd Floor, P.T.I. BUILDING, SANSAD MARG, NEW DELHI-110001

तार : एडविजुअल Telegram Advisual

नं०.....

दिनांक.....

No.....

Dated.....

101/1/2006-Admn.II

17.7.2006

OFFICE MEMORANDUM

With reference to his representation dated 19.5.2006, Shri Tapan Sutradhar, Accountant, RO, Guwahati is hereby informed that the issue regarding extension of benefit of upgraded pay scale of organized Accounts Cadres to the Accounts Cadre of DAVP is being examined by this Directorate in consultation with the Ministry of I&B. In this connection, a copy of Ministry of I&B's communication No.1/68/2003-MUC dated 17.3.2006, which is self explanatory is enclosed for your reference. DG:BSF has been requested to provide a set of the Recruitment Rules, duties and responsibilities of post of Accounts Cadre. General Secretary, DAVP (Non-Gazetted) Accounts Employees Association has also been requested to make efforts to obtain a copy each of the Recruitment Rules duties and responsibilities. However, we have not yet received any reply from them. As soon as the required information is available, the matter will be taken up with the Ministry of I&B again. However, final decision in the matter will be with the Ministry of Finance.

.....
(P.M.GEORGE)
Dy. Director(Admn.)
Tel:24369510

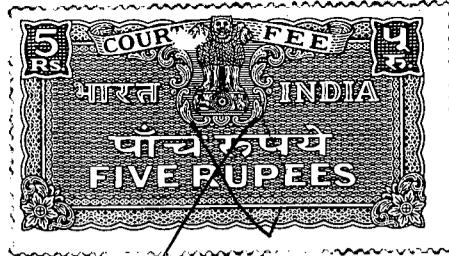
Shri Tapan Sutradhar,)
Accountant, RO, DAVP,) Through RD, RO, DAVP, Guwahati.
Guwahati)

Copy to:-

Regional Director, RO, Guwahati with a request to get the enclosed O.M. delivered to Shri Tapan Sutradhar, Accountant and his dated acknowledgement may be forwarded to this Directorate.

.....
(P.M.GEORGE)
Dy. Director(Admn.)
Tel:24369510

Certified to be True COPY
Sh. Advocate



VAKALATNAMA

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH: AT GUWAHATI.

CONTEMPT PETITION O.A. No. 13 of 2007

Sri Tapan Sutradhar ----- Applicant

Versus

Ms. Asha Swaroop Deka Respondent

Know all men by these presents that the above named Petitioner

do hereby nominate, constitute and appoint Sri U. K. Nair, Mr. B. Sharma
and Mr. A. Chetry

Advocate and such of the under mentioned Advocates as shall accept this Vakalatnama to be my/ our true and lawful Advocate to appear and act for me/ us in the matter noted above and in connection there with and for that purpose to do all act whatsoever in that connection including depositing or drawing money, filling in or taking out papers, deeds of composition etc, for me/ us and on my/ our behalf and I/ we agree to ratify and conform all acts so done by the said Advocate as mine/ ours to all intents and purposes. In case of non-payment of the stipulated fee in full no Advocate will be bound to appear or act on my/ our behalf.

In witness whereof I/ we hereinto set my/ our hand this 29th
Day of June 2007

ADVOCATES:-

(1) Mr. P.K. Goswami	(10) Mr. U. K. Nair
(2) Mr. P. C. Deka	(11) Mr. D.K. Sharma
(3) Mr. J.M. Choudhury	(12) Mr. U.K. Goswami
(4) Mr. A.K. Bhattacharyya	(13) Mr. S. Das
(5) Mr. M.K. Choudhury	(14) Mr. B. Sharma
(6) Mr. A.C Borbora	(15) Mr. A. Chetry
(7) Mr. P.K. Tiwari	(16) Miss B. Devi
(8) Mr. L. Talukdar	(17) Mr. H.K. Das
(9) Mr. Siddhartha Sarma	(18) Miss K. Goswami

Sri _____ Senior Advocate,
leads me/ us in this case.

Received from the executant.
Satisfied and Accepted

Accepted

Accepted

Advocate

Advocate

Advocate

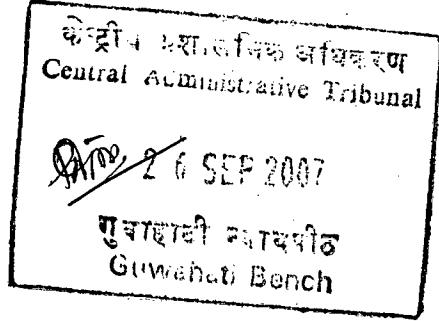
(Signature)
C.B. Sharma

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: AT GUWAHATI

(An application under section 17 of the Administrative Tribunals Act 1985)

CONTEMPT PETITION NO.13/2007

IN THE MATTER OF:



Shri Tapan SutradharPetitioner

Versus

The Union of India & OrsContemnners

IN THE MATTER OF:

An application under section 17 of the Administrative Tribunals Act, 1985 praying for initiating of contempt proceeding against the alleged contemnners for non -compliance of the order dated 9.5.2006 passed in O.A. No.90/06.

And

IN THE MATTER OF:

Shri Tapan Sutradhar, son of Late Dinesh Ch. Sutradhar, resident of Sangati Path, House No.51, tarun Nagar, Guwahati.

.....Petitioner

Versus

1. Ms. Asha Swaroop Pie, Secretary, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi-110 003.
2. Mr. U.K. Mishra, Director General, Directorate of Advertising & Visual Publicity (DAVP), Soochana Bhawan, CGO Complex, Lodhi Road, New Delhi-110 003.

.....Contemnners

Filed by
the Respondent/Contemnner No.2
through
Asha Dev
Adoli Chise
24/9/07

2 -

REPLY AFFIDAVIT BY CONTEMNER

I, Uma Kant Mishra, Director General, Directorate of Advertising & Visual Publicity (DAVP), Soochana Bhawan, CGO Complex, Lodhi Road, New Delhi- 110 003, solemnly affirm and state as follows:

1. That I am the contemner No.2 in the case and that I am conversant with the facts and circumstances of the case and as such I am competent to swear this affidavit.
2. That the statements made in the contempt petition No.13/2007 are not true. The order dated 9.5.2006 passed in O.A. No.90/06 by this Hon'ble Central Administrative Tribunal was fully complied by the respondents, during the tenure of my predecessor Shri Swagata Ghosh. I assumed the charge of the post of Director General, DAVP only on 27th November 2006. As per the order of the Hon'ble Tribunal Shri Tapan Sutradhar, Petitioner sent a representation on 19.5.2006 to the Director General, Directorate of Advertising & Visual Publicity, Ministry of Information & Broadcasting (Annexure-B to the contempt petition). The matter was considered in DAVP and a reply to the representation was sent to Shri Tapan Sutradhar vide office memorandum dated 17.7.2006 (Annexure-C to the contempt petition). Not satisfied with the reply dated 17.7.2006, Shri Tapan Sutradhar again sent a detailed representation to the Deputy Director (Admn.II), DAVP, Ministry of Information & Broadcasting on 10.9.2006 (copy placed at R.1). A reply to that representation was also sent to him by Deputy Director (Admn.), Directorate Advertising & Visual Publicity, Ministry of Information & Broadcasting on 23.11.2006 (copy placed at R.II).

In view of the above, the Hon'ble Tribunal's order dated 9.5.2006 was fully complied with and the contempt petition has no merit. This Hon'ble Tribunal may be pleased to dismiss it.

The statements made in paragraphs No 1 & 2 are true to my knowledge, belief and based on records.

I sign this affidavit on this 10th day of September 2007 at New Delhi.

Uma Kant Mishra
CONTEMNER

केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal
26 SEP 2007
गुवाहाटी न्यायालय Guwahati Bench

3077.....
21/9/06.....

3
S. No. 3 (R)

ADVANCE COPY

Annexeure - R I

To,
The Deputy Director(Admn II),
DAVP, Ministry of I & B,
Government of India,
Soochna Bhavan,

Dated Guwahati 10-Sep-06

(Through Proper Channel)
Reference: Office Memorandum issued under No. 101/1/2006-Admn II
Dated 17-07-2006.

Subject: Prayer for implementation of the directives passed by the
Central Administrative Tribunal, Guwahati Bench vide order:
15-05-2006 in OA No. 90/2006.

Sir,

With due deference and profound submission, I beg to lay the flowing
lines for your kind consideration and necessary action.

That I had vide my representation dated 07.04.2005 prayed before
your honour for granting me the scale of pay as authorized to persons
holding analogous posts like that of mine in other Indian Audit & Accounts
Departments of the Government of India. However, in the said
representation, not being considered, I was constrained to approach the
Hon'ble Central Administrative Tribunal by way of filing OA No. 90/06.

That the Hon'ble Tribunal after recording the arguments as advanced
by me was pleased vide its order dated 15-05-06 to remand the matter to
you for a consideration of the grievances as raised by me.

That the matter on being placed before Ministry of I & B, Media Unit
Cell, vide communication dated 17-03-2006 instructed DAVP to make a
comprehensive study of the recruitment rules, duties and responsibilities
post-wise of those in the Accounts Cadre and of those in the Pay & Accounts
Division of BSF. The said particulars were stated to be required for further
processing of the proposal submitted by the Directorate in pursuance to the
directives passed by the Central Administrative Council in OA No. 90/2006.

The office memorandum under reference came to be issued by your
honour reiterating the contents of the said communication dated 17-03-
2006.

That on perusal of the communication dated 17-03-2006 and also the
office memorandum dated 17-07-2006, it is revealed that a misconception
has crept into the matter as much as it has been presumed that I had
claimed for pay parity in comparison to the pay authorized for analogous
posts in the Pay & Accounts Division of BSF. (Such presumption is erroneous
and I had never demanded the same either in my representation nor in the
Original Application filed before Central Administrative Tribunal. I had
demanded pay parity with the pay scales authorized for the analogous posts
in Indian Audit & Accounts Department (IA & AD) of Government of India.)

That reference was made to the Pay & Accounts Division of BSF only to
bring on record the fallacy on the part of the authorities in denying me the
pay scales of the analogous posts of IA & AD on the ground that the
Accounts Cadre of DAVP was not treated to be an Organized Cadre. The
decisions of the Hon'ble High Court of Delhi as well as the Hon'ble Supreme
Court of India were referred to highlight the fact that the existence of an
Organized Cadre is not a pre-requisite qualification for grant of the due scale
of pay.]

That there being a common selection for the appointment against the
entry Cadre posts in the DAVP and the setup of IA & AD and there being no
criteria for effecting appointments from either of the said organization from
the select lists, the persons appointed in the DAVP can not be placed at a
lower scale of pay in comparison to the persons appointed from the same
selection against posts figuring in IA & AD. Although the persons appointed

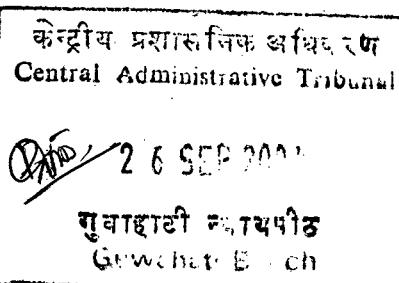
so Admn II

Sh. S. L.
Asst. 22/9

(13)

83/Adm-II
22/9

(प्र० एम० जॉर्ज/P. M. GEORGE)
उप निदेशक(प्रशान्त)/Dy. Director (Admn.)
डि. दू. प्र. डि./D. A. V. P.
प्र. मंत्रालय/Min. of I & B
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



in DAVP had held posts having same status, duties and responsibilities as that of posts attached to IA & AD.

In view of the above it is required that the exercise as contemplated vide the Ministry's communication dated 17-03-2006 and office memorandum dated 17-07-2006 be revoked and exercise be undertaken to grant me the scale of pay as authorized to persons holding analogous posts in IA & AD in the manner indicated herein below with effect from the date of my initial appointment in the Accounts Cadre i.e. 10-07-1995.

Differentiation of pay scale of DAVP accounts cadre and cadre of IA & AD

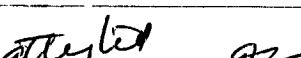
Entry in both the cadre is after passing the Exam " Div. Acctt, Acctt.,Auditors, UDC etc" conducted by STAFF SELECTION COMMISSION.

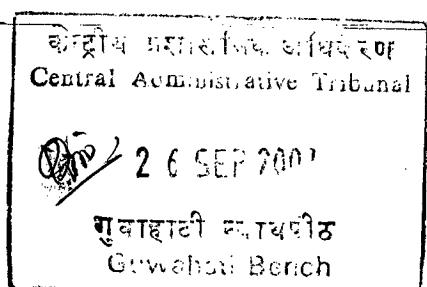
STEPS	DAVP Accounts Cadre	IA & AD Cadre	Nature of duties
1. Entry Level	Accounts Clerk later renamed as Jr. Accountant Scale: 4000-100-6000/-	Accountant Scale : 4500-125-7000/-	Preparation and processing of various bills related to accounts matter.
2. Promotion / Up gradation	Accountant After completion of 5 yrs regular service as Jr. Accountant subject to vacancy. Scale: 4500-125-7000/-	Sr. Accountant After completion of 3 yrs regular service as Accountant. Scale: 5500-175-9000/-	Scrutiny of bills and assist JAO, AAO
3. Promotion	N.B. The posts of Sr. Acctt. & JAO were abolished at DAVP. After completion of 7 yrs regular service as Accountant. Subject to vacancy Asstt. Accounts Officer (AAO) Scale: 6500-200-10500/-	After passing SAS or JAO Exam. Conducted by CAG. Jr. accounts Officer or S.O. Scale: 6500-200-10500/-	Bill passing and achieved signatory power
4. Promotion	Seniority cum fitness subject to vacancy Accounts Officer (AO) Scale: 7500-225-11500/-	Seniority cum fitness subject to vacancy Asstt. Accounts Officer (AAO) Scale: 7500-225-11500/-	
5. promotion	8 yrs regular service as AO Financial Adviser & Chief Accounts Officer (FA & CAO) Scale: 10000-325-15200/-	Seniority cum fitness subject to vacancy Deputy Controller of Accounts Scale: 1000-325-15200/-	

In the premises aforesaid it is most respectfully prayed that your honour would in consideration of my this representation would be placed to examine the matter in its proper perspective as indicated in the foregoing paragraphs and thereafter be placed to grant to me the Pay & Allowances in the scale/scales of pay as claimed by me with retrospective effect i.e. with effect from the date of my initial entry into this service in the Accounts Cadre of DAVP.

It is further prayed that your honour be pleased to complete the said exercise and redress my long pending grievances within a period of 1 (one) month from the date of receipt of the communication failing which I shall be left with no other alternative but to approach the Hon'ble Central Administrative Tribunal by filing appropriate application praying for drawing up of contempt of proceeding for deliberate and willful violation of the directives dated 17-05-2006 passed by this Hon'ble CAT vide OA No. 90/06

I hope and trust that there would be no occasion for any further legal proceeding and shall be granted my due benefits without any further delay.

attested

(प्रिय राम सिंह) P. M. SINGH
कर्म नियन्त्रण (कर्मना) /Exy. Director (Admin.)
प्र. ए. ए. ए. ए. /Min. of I & B
प्रारंभ संस्कार, एवं विकास
Court of India, New Delhi



5-
70
Thanking you.

Yours faithfully

(TAPAN SUTRADHAR)
Accountant
Regional Office,
DAVP, Ministry of I & B,
Janapath, Nabin Nagar,
Guwahati-781024.

Copy to :

✓ 1. Director General for his kind necessary action .
2. Deputy Director General, Regional Office , DAVP, Guwahati.

(Signature)
(TAPAN SUTRADHAR)
Accountant
Regional Office,
DAVP, Ministry of I & B,
Janapath, Nabin Nagar,
Guwahati-781024

RECORDED
(The Hon'ble Shri P. M. GEORGE)
Chairman (Vice-Chairman)
Shri. P. M. GEORGE / D. A. V. P.
Shri. P. M. GEORGE / Min. of I & B
Chairman, The Rajya
Sabha
Govt. of India, New Delhi

केन्द्रीय प्रशासनिक अधीकारी अधीकारी Central Administrative Officer
26 SEP 2012
गुवाहाटी न्यायपीठ Guwahati Bench

Annexure - R II

भारत सरकार
GOVERNMENT OF INDIA
सूचना और प्रसारण मंत्रालय
MINISTRY OF INFORMATION & BROADCASTING
विज्ञापन और दृश्य प्रचार निदेशालय
बी-ब्लाक, कस्टरबा गांधी मार्ग, नई दिल्ली-110001
DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY
B-BLOCK, K.G. MARG, NEW DELHI-110001
तार : एडविजुअल Telegram Advisual

नं०
No. 101/3/2006-Admn.II

दिनांक
Dated 23.11.2006

OFFICE MEMORANDUM

Subject: Representation dated 10th September 2006 received from Shri Tapan Sutradhar, Accountant, RO, DAVP on Pay Parity & Promotion similar to Accounts Cadre of Indian Audit & Accounts Department (IA & AD).

Reference Shri Tapan Sutradhar, Accountant's representation dated 10th September, 2006 on the above subject.

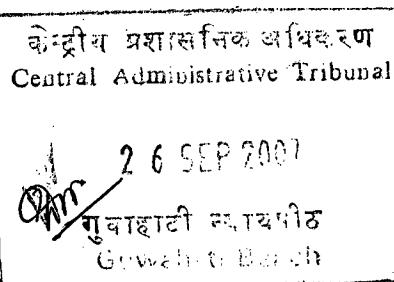
2. Shri Tapan Sutradhar was nominated by Staff Selection Commission (SSC) for the post of Accounts Clerk (renamed as Junior Accountant) in the scale of 1200-30-1560-40-2040 in DAVP on the basis of the results of Divisional Accountant, Auditors, UDCs Examination, 1993. The offer of appointment for the post of Accounts Clerk, issued by this Directorate clearly indicated the terms & conditions and the scale of pay of the post. Shri Sutradhar accepted the offer of appointment and joined this Directorate on his own volition on 10.07.1995.

3. It is also added that the Accounts Cadre of IA & AD is an Organised Cadre whereas the Accounts Cadre in DAVP has not been declared as an organized accounts cadre by the Government. DOP&T upgraded the pay scales of Organised Accounts Cadres i.e. CGDA, CGA, IA&AD, P&T & Railways only vide their O.M. No.6/82/E.III(B)/91 dated 28.2.2003. Vide their subsequent O.M. No.8(1) E.III (B)/2004 dated 1.4.2004, they further clarified that the grant of higher pay scales was limited to the posts in the Organised Accounts Cadres and has not been extended to any Accounts post not belonging to one of the Organised Accounts Cadres.

4. On receipt of representation from the Association of Accounts Staff in DAVP as well as from Shri Sutradhar, this Directorate has referred the matter to the Ministry of I&B. No decision has been taken yet in this regard.

neg vs neg
(P.M. George)
Dy. Director (Admn.)
Tele.: 2436 9510

Shri Tapan Sutradhar,
Accountant, RO, DAVP,
Guwahati.



Notice

Date - 24/9/07

From,

Usha Das
Advocate

To,

Mr. U. K. Naik

Mr. B. Samra

Advocates

Sub: CP No. 13/07 in OA No. 70/06

Sir, Please find herewith a copy
repy being filed today. Kindly
acknowledge the receipt thereof.

Thanking You

Sincerely Yours
Usha Das
Advocate

Received copy

Advocate

I undertake to send
a copy of reply affidavit
on Mr. U. K. Naik,
Advocate.

Usha Das
Advocate