

ORIGINAL APPLN.NO. OF 1995  
 TRANSFER APPLN.NO. OF 1995  
 CONTENT APPLN.NO. 20 OF 1995 (IN B.A. NO. 135/95)  
 REVIEW APPLN.NO. OF 1995 (IN NO.)  
 MISC. PETITION NO. OF 1995 (IN NO.)

..... T. S. Sankar ..... APPLICANT(S)

-VS-

..... h-c ..... RESPONDENT(S)

For the Applicant(s)

Mr. S. L. Sankar  
 Mr. M. Chouda

For the Respondent(s)

Mr. A. K. Chandling, Add. Case

OFFICE NOTE

DATE

ORDER

This application is 29.11.95  
 filed by Mr. M. Chouda  
 advocate for the petitioner  
 for Contempt of Court by s  
 17 of the A.T. Act, 1985  
 for ignoring and disobeying  
 the order dated 20.7.95  
 passed in C.A. No. 135/95  
 by this Honble Tribunal. A  
 draft charge is enclosed  
 alongwith the petition.

Issue notice to the respondents to show cause  
 as to why the application may not be  
 entertained while informing us as to what  
 steps so far could be taken in pursuance of  
 the Original order. Returnable on 3.1.1996.

Member

Vice-Chairman

Laid before the Bench  
 for frame of orders.

3.1.96

To be listed for orders  
 5.2.96

Deputy Registrar (A)  
 Central Administrative Tribunal  
 Guwahati Bench

By order  
 [Signature]

5.2.96

for orders on 13.2.96

Requisites are [Signature]

4 cases viz. 5269-20

14/12/95

1/8/12

(S. on sps of, bt. CP/MP No. 20. of 1995

OFFICE NOTE

DATE

ORDER

Notice send on  
R. no. 2.

13.2.1996

In accordance with the direction given to the authorities of respondent nos. 1-3 <sup>who</sup> to apply <sup>their</sup> the mind to the grievance of the applicants and take a decision whether the benefit of the revised pay scale can be extended to the applicants, The Government of India have considered the matter and taken the decision contained in the order dated 31.1.1996 produced by Mr. A.K.Choudhury, Addl. C.G.S.C. For the reasons indicated in that order Government of India have not found it possible to agree with the request of the applicants for revision of their pay scales on the basis of the Memorandum dated 19.10.94. The present petition was filed on the ground that the respondents had failed to carry out the direction to consider the matter and take a decision. Since that has now been complied with Mr. Chanda <sup>does</sup> ~~has~~ not pressed ~~for~~ present petition for contempt. We make it clear <sup>that</sup> we should not be understood to have expressed any opinion about the merits of the order of Government of India dated 31.1.1996. C.P. is accordingly disposed of.

B.3.96

copy of order  
dt. 13.2.96 issued  
to all concerned  
vide of No. 607-609  
dt. 20.3.96,

Member

Vice-Chairman

trd



3  
Filed by Ms  
applicants  
through Mr. Janda  
27.11.95

In the matter of :-

Contempt Petition No. 20/95

in

O.A. No. 135/95

Sri Tulsiram Sarma & Ors.

----- Applicants

-versus-

Union of India & Ors.

----- Respondents

-AND-

In the matter of :-

An application praying for initiation of Contempt of Court Proceeding under Section 17 of the Administrative Tribunals Act, 1985 for non-compliance of the Hon'ble Tribunal's Order dated 20.7.95 passed in O. A. No. 135/95.

-AND-

In the matter of :-

Sri Tulsiram Sarma

Draftsman Gr. II,

Survey of India, North Eastern Region

Shillong.

-versus-

1. Major General S.P.Mehata  
Surveyor General  
Survey of India, Block B  
Hathibarkala Estate  
Dehradun-248001
2. Brig. P.K.Gupta  
Director,  
Survey of India  
North Eastern Circle,  
Shillong ..... Contemners

That the petitioner most humbly and respectfully  
begs to state as under :

1. That being aggrieved for non-receipt of revised  
scale of pay in pursuance of the Office Memorandum No. 5 (13)  
E-II (87) dt. 11.9.87 and Office Memorandum No. F.6 (59)-E-III/  
82 dt. 13.3.84 issued by the Govt. of India where the  
revised scales were made applicable to the Draftsman Gr. II  
serving in C.P.W.D. and subsequently Govt. of India further  
pleased to decide by modifying the Office Memorandum No. 13 (1)  
-IC/91 dt. 19.10.94 whereby it was clarified that the benefit  
of revised pay scale may be extended irrespective of the  
recruitment qualification in all Govt. of India Offices and  
and the petitioner being Draftsman Gr. II of Survey of India  
~~xxx~~ is similarly circumstanced having requisite qualifications  
and eligibility for entitlement of the benefit of revised  
pay scale and being aggrieved for non-receipt of the same  
approached this Hon'ble Tribunal through O.A. No. 135/95.  
The Hon'ble Tribunal after hearing the grievances of the  
petitioners was pleased to pass necessary orders dated 20.7.  
95 in O.A. No. 135/95.

2. That the Hon'ble Tribunal vide order dt. 20.7.95 passed in O.A. 135/95 directed the respondents to apply their mind to the grievances of the applicants and take a decision if it is not so far taken as to whether the benefit of the revised pay scale should be extended to the applicants and the Hon'ble Tribunal was further pleased to direct if the authorities are satisfied that the applicants are eligible to get the benefit in that event respondents to implement the decision at the earliest. It is further directed in the event of the respondents finding that any of the applicant are not eligible to be extended the benefit of revised pay scale that decision shall be communicated to the applicant individually by the respondents. It is further directed by the Hon'ble Tribunal to take their decision as far as ~~xx~~ practicable within a period of three months from the date of receipt of this order. But most surprisingly although the order of the Hon'ble Tribunal was received by the contemners in due time the contemners wilfully did not take any decision in terms of the Hon'ble Tribunal 's order dt. 20.7.95 passed in O.A. 135/95 and also did not inform their decision to the applicants in terms of the order dt. 20.7.95 and thereby violated the Hon'ble Tribunal's order dt. 20.7.95 passed in O.A. 135/95 and the contemners are liable for Contempt of Court Proceedings.

A copy of the Hon'ble Tribunal's Order dt. 20.7.95 is enclosed as Annexure 1.

3. That the petitioner begs to state that contemners have wilfully disobeyed the Hon'ble Tribunal's order dt. 20.7.95 and till now no decision is taken in terms of

the order dt. 20.7.95. Therefore they are liable for contempt of court proceedings and the Hon'ble Tribunal be pleased to impose punishment for non-compliance of Hon'ble Tribunal's Order dt. 20.7.95 passed in O.A. 135/95.

4. This petition is made bonafide and for the cause of justice.

Under the facts and circumstances stated above, it is humbly prayed that the Hon'ble Tribunal would be pleased to initiate Contempt of Court Proceedings against the Contemners/Respondents, and further be pleased to impose punishment in accordance with law for non-compliance of the Hon'ble Tribunal's Order dt. 20.7.95 passed in O.A. 135/95 (Sri Tulsiram Sarma & Ors Vs. U.O.I & Ors.) or further be pleased to pass any other order or orders as deemed fit and proper under the above circumstances.

And for this act of kindness the applicant shall remain ever grateful.

IN THE COURT OF MAGISTRATE, GUWAHATI

A F F I D A V I T

I, Sri Tulsiram Sarma, S/o of late H.P. Sarma,  
resident of Barapathar, Shillong petitioner in the  
above case do hereby solemnly affirm as follows :-



1. That I am one of the petitioners in the above Contempt Petition as such I am well acquainted with the facts and circumstances of the case and am authorised by all the other petitioners to sign this Affidavit on their behalf.
2. That the statements made in this Contempt Petition are true to my knowledge and belief.
3. That this Affidavit is made for filing Contempt Petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench.

DEPONENT

*[Signature]*  
(TULSIRAM SARMA)

Identified By :

*A.Roshid*  
18/11/55  
Advocate

Signed before me today on 18 Nov 1955

who is identified by Shri A. Roshid Advocate  
at Guwahati

*[Signature]*  
18-11-55  
Judicial Magistrate,  
Guwahati.

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D R A F T   C H A R G E

Laid down this before the Hon'ble Tribunal for non-compliance of the order of the Hon'ble Tribunal dt. 20.7.95 passed in O.A. 135/95 for revised pay scale in the cadre of <sup>Draughtmen</sup> ~~Surveyor~~ Gr. II but the respondents, wilfully did not comply with the order of this Tribunal and therefore liable for contempt proceedings and the Hon'ble Tribunal be pleased to initiate the Contempt Proceedings and further be pleased to impose punishment upon the contemnors in accordance with law.



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/COPY/

ANNEXURE -1

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 135/95

Date of Order : This the 20th Day of July, 1995

JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN.

SHRI G.L.SANGLYINE, MEMBER (ADMN)

1. Shri Tulsiram Sarma & Ors.  
Draftsman Gr. II under the Director,  
Survey of India  
North Eastern Circle,  
Shillong.

By Advocate Mr. J.L.Sarkar and Mr. M.Chanda.

-vs-

1. The Secretary to the Govt. of India,  
Ministry of Science & Technology  
New Delhi
2. The Surveyor General  
Survey of India, Block B  
Hathibarkala Estate  
Dehradun-248001
3. The Director  
Survey of India  
North Eastern Circle

By Advocate Mr. A.K.Choudhury, Addl. C.G.S.C.

O R D E R

CHAUDHARI J (VC):

1. Leave to the applicants to join in the single application as prayed in para 6 is granted.
2. O.A. is admitted. Issue notice to the respondents. Mr. A.K.Choudhury Addl. C.G.S.C. has accepted the notice. By consent application is taken up for final order.
3. The grievance of the applicants is that the respondents have not extended them the benefit of revised scale of pay in pursuance of the orders passed by President of India from time to time. All the applicants are Draftsman Grade II in the department of Survey of India. It appears that in the light of the recommendations of the third Central Pay Commission the pay scales were revised and the benefit was given notionally from 1.1.73 and actually from 1.9.87 under the Office Memorandum No. 5(13)E-II(87) dated 11.9.87.

*Attested  
Chaudh. J.  
Adv.*

This circular was issued by the Government of India, Office Memorandum No. F.6(59)-E-III/82 dated 13.3.84 was issued by the Government of India where the revised scales were made applicable to those draftsmen Gr. II whose recruitment qualification were similar to those prescribed in the case of Draftsmen in C.P.W.D. That was modified by the Office Memorandum No. 13(1)-IC/91 dated 19.10.94 and it was clarified that it was decided that the benefit may be extended irrespective of the recruitment qualification in all Government of India Offices. It was however stipulated that the benefit of revised pay scales be given with effect from 13.5.82 notionally and actually from 1.11.83. This Office Memorandum was forwarded by the Ministry of Science and Technology to the Surveyor General of India and other authorities vide letter No. 1-12/93 dated 11.11.94 for guidance and necessary action. The applicants aver that although they are eligible to be extended the benefit within the terms of the above mentioned memoranda and are eligible to get the benefit of revised scale notionally from 1.1.73 and actually from ~~1.9.87~~ 1.9.87 the respondents have not extended the said benefits and therefore the respondents be directed to implement the O.M. dated 11.9.87 as well as O.M. dated 19.10.94 read with O.M. dated 11.9.87. Prima facie it appears that the benefit would be extendable to the applicants under the latest memorandum issued by Government of India and subject to the requirement of minimum period of service as laid down in the O.M. dated 19.10.94 being satisfied. It is not clear as to why the respondents have not taken any decision consistently therewith so far as it is stated by the applicants that they have filed representations. We are not satisfied that any particular representation was filed on a particular date. A representation Annexure 6 is referred to in the application where date is mentioned as 23.11.86, although Mr. Sarkar now submits that the correct of representation is 23.11.94 and 23.11.86 is wrong. We cannot therefore specifically direct the respondents to consider any particular representation.

Attested  
@ Mr. Adv.

4. In view of the office memoranda mentioned above and as no other controversial question arises we think it proper in order to secure the ends of justice to direct the

Concerned authorities of the respondents 1 to 3 to apply their mind to the grievance of the applicants and take a decision if it is not so far taken as to whether the benefit of the revised pay scales should be extended to the applicants. If the authorities are satisfied that the applicants are eligible to get the benefit the respondents to implement the decision at the earliest.

5. In the event of the respondents finding that any of the applicants are not eligible to be extended the benefit of revised pay scale that decision shall be communicated to the applicant individually by the respondents.

6. In the event of the applicants of any of them being informed that the benefit cannot be extended to him the said applicant will be at liberty to approach the Tribunal if so advised for appropriate relief. The respondents are directed to take their decision as far as practicable within a period of three months from the date of receipt of the order. The O.A. is disposed of accordingly. No order as to costs.

Sd/- Vice-Chairman

Sd/- Member (A)

Attested  
@whn  
Adv.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

Memo No. :

Date :

Copy for information to :

- (1) Sri Tulsiram Sarma, Draftsman Gr. II, Survey of India, North Eastern Circle, Shillong.
- (2) Major General S.P. Mahata, Surveyor General, Survey of India, Block B, Hathibarkala Estate, Dehradun - 248001.
- (3) Brig. P.K. Gupta, Director, Survey of India, North Eastern Circle, Shillong.

SECTION OFFICER (J)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : : : GUWAHATI - 5**

**C.P. 20/95 (O.A.135/95)**

**Sri Tuladram Sarma ... Applicant**

**-VS-**

**Major Gen. S.P.Mehta & Anr. ... Respondents**

**P R E S E N T**

**THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE CHAIRMAN**

**THE HON'BLE SHRI B. L. SANGLYNE, MEMBER (ADMN.)**

**For the Applicant ... Mr. J.L. Sarkar,  
Mr. M. Chanda.**

**For the Respondents ... Mr. A.K. Choudhury, Addl.C.G.S.E.**