

OFFICE NOTE

DATE.

C I D E R.

25.6.96

Rejoinder steps are
sent & comm vide
no. 1046 dt. 13.5.96

Mr B.K.Sharma for the petitioner.
Service reports on opposite parties 1 & 2 ~~and~~ ~~ix~~ awaited. Mr Ali submitted leave note for today.

List for order on 3.7.96 in presence of Mr Ali.

ba
Member

pg

30.5.96

Notice duly
served on Respondt
No. 3.

3.7.96

Mr M.K.Choudhury for Mr B.K. Sharma for applicant seeks adjournment to file rejoinder.

List on 17.7.96 for order.

ba
Member

pg

bon

27.6-96

17.7.96

None for the petitioner. Mr S. Ali, Sr.C.G.S.C for the opposite party. Rejoinder has not been submitted. List for order on 9.8.96.

ba
Member

pg

Show cause reply
in refo R.no. 1, 2 & 3
& placed at pg-10-15

9.8.96

Learned counsel Mr B.K. Sharma for the petitioners. Mr S. Ali, learned Sr. C.G.S.C. for the respondents. Mr Ali submits that the respondents have taken action for compliance of the order of the Tribunal and he seeks time for instructions. Allowed.

List for orders on 13.9.96.

ba
Member

Rejoinder has not been
G.W.
ba

No draft charge submitted

ba
12/8 Rejoinder has not
been G.W.
ba
17/9

18.9.96 None for the petitioner. Mr S. Ali, learned Sr. C.G.S.C., for the respondents, prays for adjournment. Allowed.

Adjourned to 3.10.96 for show cause and further orders.

[Signature]
Member

nkm

3.10.96 Mr. S.Sarma for the petitioners.
Mr. S.Ali, Sr. C.G.S.C. for the alleged contemners.

Mr. Ali has submitted that out of 18 persons order of stepping up of pay in respect of 14 persons have been issued. However he seeks time to get instruction about order of stepping up ^{of} pay in respect of serial No. 4 and 18 S/Shri Chenchaiyah, B. Tirupataiah, A.P. Circle, Hyderabad, serial No. 5 Sri G.Thalamuthu, TN Circle at Madurai and serial No. 10 Sri T.S.Nagarajan, ETR, Guwahati.

List for order on 15.10.1996.

[Signature]
Member

trd
[Signature]
3/10

15.10.96

Mr. S.Ali, learned Sr. C.G.S.C. for the alleged contemners (Respondents in O.A.).

Learned counsel Mr. B.K.Sharma, for the contempt petitioners (Applicants in the O.A.).

Mr. Ali submits that the respondents have implemented the judgement and order dated 22.11.1995 passed in O.A. No. 65/95 and the contempt proceeding may be dropped. Mr. Sharma submits that he cannot ascertain whether all of the applicants have been paid as some of them have been posted in other places now. Heard counsel of both sides. In view of the statements made by the counsels it is considered that it is

Contd...

show cause reply has been
b.w.

1/10

comply order
dated 3-10-96

[Signature]
3/10/96

Rejoinder has not been
b.w.

4/10

15.10.96 not necessary to continue the contempt proceedings. The contempt proceeding is disposed of as dropped. However the respondents are directed to ensure that those applicants who have not been paid yet are to be paid expeditiously.

C.P. 17/96 (O.A. 65/95) is disposed of.

pl. comply order
dated 15.10.96.

m
16/10

trd
m
16/10

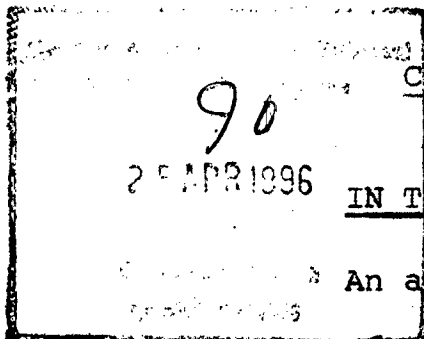

Member

30.10.96

Copy of the order
issued to the parties
vide d.No 3652 to
3657 dt 31.10.96

sh

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



Contempt Petition No. 17 of 1996
In O.A. No. 65 of 1995

IN THE MATTER OF :

An application under Section 17 and 27 of the Administrative Tribunals Act, 1985 read with Rule 24 of the C.A.T.(Procedure) Rules, 1987 praying for institution of a contempt proceeding against the respondents/contemners for non-compliance of the judgment and order dated 22.11.95 passed in O.A. No. 65/95 and for execution of the said order together with other order/orders as may be deemed fit and proper

- AND -

IN THE MATTER OF :

Non-compliance/~~of~~ non-execution of the Hon'ble Tribunal's order dated 22.11.96 passed in O.A. No. 65/95 by the respondents/contemners

- AND -

IN THE MATTER OF :

1. Shri Mono Mohan Dey,
2. Shri Babul Kr. Das,
3. Shri Khagendra Nath Saikia,
4. Shari Manabendra Saha
5. Md. Islam Ahmed,
6. Shari. B. Terupataiah.

Filed by Subhash Chandra
22.5.96

All are working as Accounts Officer
in the Department of Telecommunication
under the Chief General Manager (Telecom)
Guwahati.

... Applicants
Petitioners

- Versus -

1. Shri M.P. Modi,
Secretary to the Government of India,
Ministry of Telecommunication,
New Delhi.
- 2- Shri Budh Prakash,
Asstt. Director General (T.E.)
Sanchar Bhawan,
Department of Telecommunication,
New Delhi-110 001.
3. Shri K. Sridhara,
Chief General Manager (Telecom),
Assam Telecom Circle,
Guwahati-7.

... Respondents
Contemners.

The humble petition on behalf of the
petitioners abovenamed -

MOST RESPECTFULLY SHEWETH :

1. That the petitioners approached this Hon'ble
Tribunal by filing O.A. No. 65/95 challenging the
denial of their legitimate claim of stepping up of pay.

Contd...P/2.



2. That the case of the petitioner is that they joined in their respective services under the respondents as Central Government employees in Gauhati Telecommunication Department after passing the due selection, and at present they are all working as Accounts Officer under the Department of Telecommunication and are posted at different stations under the Chief General Manager (Telecom), Assam Telecom Circle, Guwahati. The petitioners abovenamed drawing their salaries as per their seniority position and their respective posts. After joining in this department, the petitioners were invited for an examination viz. Junior Accounts Officer and on the basis of this examination, they are numbered in all India Seniority List. One Shri Shankarnarayan who is junior to the applicants was posted in different stations and on ad-hoc promotion. He had drawn certain increments by virtue of which he was drawing more pay than that of the applicants.

3. The being aggrieved by the action on the part of respondents, the applicants have approached this Hon'ble ~~Tribunal~~ Tribunal by filing the said O.A.

4. That on 22.11.95 after hearing both the parties and after perusal of the records and relevant office memorandums alongwith the written statement filed by the respondents to the said O.A., the Hon'ble Tribunal was pleased to pass an order directing the respondents to step up the pay of the applicants at par with Shri Shankaranarayan with effect from the date on which the

Contd....P/4.

anomally arose and the respondents were further directed to pay the respective applicants the arrears as may be found payable to them arising on account of re-fixation of their pay and after removal of this anomally the Hon'ble Tribunal was pleased to pass the order in the said O.A. directing the respondents to complete the process of payment within three months from the date of communication of the order to the respondents. The Hon'ble Tribunal with the above observation allowed the said O.A. in favour of the applicants.

A copy of the said order dated 22.11.95 is annexed herewith and marked as ANNEXURE:A.

5. That the respondents on a wrong notion filed a review application before this Hon'ble Tribunal bearing No. 3/96 against the order dated 22.11.95 passed in O.A. No. 65/95 and the Hon'ble Tribunal vide ~~thaxx~~ its order dated 28.2.96 rejected the said review application after hearing both the parties with the observation that the remedies sought for herein in the review application did not lie by way of a review application.

A copy of the order dated 28.2.96 passed in Review Application No. 3/96 in O.A. 65/96 is annexed herewith and marked as ANNEXURE-B.

6. That the copies of the order were sent to the respondents/contemners by the Registry, Central Administrative Tribunal, Guwahati Bench and the respondents/contemners have got knowledge of the rejection of the review application. It will be pertinent to mention here

Contd...P/5.



that while passing the said order dated 22.11.95 passed in O.A. No. 65/95, the Hon'ble Tribunal was pleased to direct the respondents to implement the said order within three months from the communication of the said order to the respondents. However, the respondents have filed their review application challenging the said order but ~~the same was rejected by this Hon'ble Tribunal.~~ the same was rejected by this Hon'ble Tribunal.

7. That the applicants are pursuing the matters just after passing the said order ; but no action has been taken by the respondents till date. Although the respondents are fully aware of the order dated 22.11.95 they have not yet released their arrear payment. The respondents have deliberately and wilfully violating the order passed by this Hon'ble Tribunal inspite of having full knowledge of Your Lordships' order.

8. That the action/inaction on the part of the respondents towards implementation of the order dated 22.11.95 is in direct conflict with the Hon'ble Tribunal's order and it leads to unique case of contempt for which the respondents are liable to be punished by the Hon'ble Tribunal.

9. That the petitioners as stated above have been pursuing their matter regarding payment of arrear and other dues with the respondents but nothing in positive has been come out from the said pursuation by be

Contd....P/6.

applicants. The inaction on the part of the respondents towards implementation of the order of this Hon'ble Tribunal for execution of the said order in exercise of its power conferred by Section 27 of the Act and Rule 24 of the C.A.T.(Procedure) Rules. Hence this ~~application~~ application for drawing up of contempt proceeding as well as for an appropriate order towards implementation of the order dated 22.11.95 of this Hon'ble Tribunal is filed.

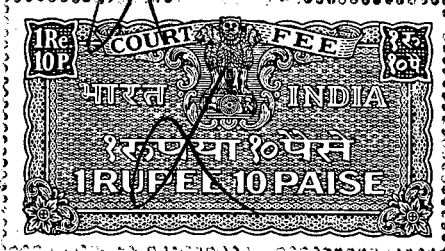
10. That this application has been made bonafide and in the interest of Justice.

In the premises aforesaid, Your Lordships may be pleased to issue notice to the respondents to show cause as to why a proceeding of contempt of the Hon'ble Tribunal shall not be drawn up against each and everyone of them, call for the records of the case and after hearing the parties on the cause or causes that may be shown and on perusal of the records, be pleased to punish the respondents for wilful and deliberate disobedience of the order dated 22.11.95 passed in O.A. No. 65/95 with further direction to pay their dues immediately and/or pass such further or other order(s) as Your Lordships may deem fit and proper.

And for this, your humble petitioners, as in duty bound shall ever pray.

Affidavit....





A F F I D A V I T

I, Shri Meno Mohan Dey, son of I. Dey, aged about 47 years, petitioner No. 1 in the instant petition, do hereby solemnly affirm and declare as follows :

1. That I am the Accounts Officer in the Department of Telecommunication under the Chief General Manager (Telecom) Guwahati, conversant with the facts and circumstances of the case and ~~there~~ being duly authorised by the other petitioners competent to swear this affidavit on behalf of all of us.

That the statements made in this affidavit and the accompanying petition in paragraphs ~~are~~ true to my knowledge ; those made in paragraphs ~~are~~ being matters of records are true to my information derived therefrom and the rest are my humble submissions.

And I sign this affidavit on this the ~~day~~ day of April 1996 at Guwahati.

Identified by me :

S. Sarma
Advocate's ~~Office~~

Mono Mohan Dey

DEPONENT

Solemnly affirmed before me by the deponent who is identified by Shri S. Sarma, Advocate on this the day of April 1996 at Guwahati.

22/4/96
MAGISTRATE
1st Class, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.65 of 1995

Date of decision : This the 22nd day of November 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

1. Shri Monomohan Dey
2. Shri Babul Kumar Das
3. Shri Manabendra Saha
4. Shri Khagendra Nath Sarma
5. Shri Islam Ahmed
6. Shri B. Tirupataiah

All the applicants are working as Accounts Officer, in the Department of Telecommunications and are posted at different stations under the Chief General Manager, Telecom, Guwahati.Applicants

By Advocate Shri B.K. Sharma with Shri B. Mehta.

- versus -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Communications, New Delhi.
2. The Assistant Director General (TE), Department of Telecommunications, New Delhi.
3. The Chief General Manager (Telecom), Assam Telecom Circle, Guwahati.Respondents

By Advocate Shri S. All, Sr. C.G.S.C.

.....

ORDER

CHAUDHARI, J. V.C.

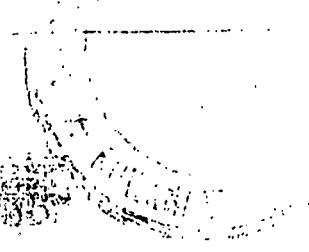
Mr B.K. Sharma for the applicants.

Mr S. All, Sr. C.G.S.C., for the respondents.

The six applicants are working as Accounts Officers in the Department of Telecommunications and are posted at different stations under the Chief General Manager, Telecom, Guwahati. Their grievance is that on their promotion as Accounts Officers they have realised that the pay of K. Sankaranarayanan, who is junior to them and has been promoted as Accounts Officer on regular basis after the applicants were promoted

huse

Shri B.K. Sharma
Shri S. All



to that cadre, has been fixed higher than that of the applicants taking into account his pay during his fortuitous adhoc promotion as Accounts Officer which opportunity was not available to them and thus there arose an anomaly in the fixation of pay. The pay of the applicants has been fixed between Rs.2375 and Rs.2450 respectively, whereas the pay of Sankaranarayanan has been fixed as Rs.2750 with effect from 25.4.1991.

2. The applicants had preferred representations, but they were rejected on the ground that there was no anomaly. The contentions urged by the applicants in the instant case are the same as are urged by the applicants in companion O.A.No.64 of 1995, which has been separately decided today. The contention of the respondents in the instant case are the same as urged by them in that case. The rival contentions have been examined and for the reasons recorded in the order in the companion O.A., I have held that the applicants in that case are entitled to be given the relief as prayed. The same reasons are adopted in support of this order and it is not necessary to repeat them. For the same reasons following order is passed:

The respondents are directed to step up the pay of the applicants at par with K. Sankaranarayanan with effect from the date on which the anomaly arose and the respondents are further directed to pay to the respective applicants the arrears as may be found payable to them arising on account of re-fixation of their pay after removal of the anomaly.

The above exercise to be completed within a period of three months from the date of communication of this order to the respondents.

3. The original application is accordingly allowed. No order as to costs.

4. A copy of the order passed in O.A.No.64/95 may be placed in the record of this case.

TRUE COPY

प्रतिलिपि

John 20/12/95

Sd/- VICE CHAIRMAN,

Section Officer (J)

उच्च न्यायालय (प्रशासनिक न्यायालय)
Central Administrative Tribunal

राष्ट्रीय प्रशासनिक न्यायालय
Guwahati Bench, Guwahati-5

गुवाहाटी न्यायालय, गुवाहाटी-5

g/20/12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH 188 GUWAHATI-5.

R.A. 3/96 (O.A. 65/95)

Union of India & Ors. ... Petitioners
-VS-
Monomohan Day & Ors. ... Respondents

P R E S E N T

THE HON'BLE JUSTICE SHRI M.G. CHAUGHARI, VICE CHAIRMAN
THE HON'BLE SHRI G. L. SANGLYINE, MEMBER (ADMN.)

For the Petitioners ... Mr. S. Ali, Sr.C.G.S.C.

For the Respondents ... Mr. B.K. Sharma,
Mr. B. Rahta.

D A T E

28-2-96

O R D E R

Mr. S. Ali, Sr.C.G.S.C. for the
applicant (Original respondents).

The grounds raised for review
relate to merits of the case and if the
applicants feel aggrieved by the view taken
by us their remedy does not lie by way of
Review Application.

R.A. rejected.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

Certified to be true Copy
প্রমাণিত প্রকৃত কপি

COURT OFFICER

Central Administrative Tribunal

Guwahati Bench 188 Guwahati-5

গুৱাহাটী বেঞ্চ ১৮৮, গুৱাহাটী-৫

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Handwritten signature and date '28/2/96' in the bottom right corner.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

GUWAHATI BENCH AT GUWAHATI.

In the matter of:-

C.P. 17/1996

(OA 65/95)

Sri M. DEY AND ORS ... Applicant

-Vs-

The Chief General Manager,

Assam Telecom Circle & Ors

... Respondents

-And-

In the matter of:-

Show Cause reply submitted by the
Respondents No. 1,2 and 3.

:: SHOW CAUSE REPLY ::

The humble respondents submit their
Show cause reply as follows:-

1. That on receipt of the order dated 22.11.95 passed by the Hon'ble CAT Guwahati in OA 65/95 which was received by the respondent no. 3 on 9.1.96, the case was taken up by the respondent no. 3 for filing a Review Application against the said order. Accordingly the Review Application no. RA 3/96 was filed before the Hon'ble CAT, Guwahati against the said order dated 22.11.95 passed in OA 65/95.

2. That the Review Application no. RA 3/96 came up for hearing on 28.2.1996 and the same was rejected by this Hon'ble Tribunal. The copy of the order dated 28.2.96 is enclosed at Annexure-I.

Filed by
Shankar
25/6/96
Sr. Central Govt. Standing Coun.
Central Administrative Tribunal
Guwahati Bench, Guwahati.

3. That immediately after the order was passed by Honb'le CAT/Guwahati in RA 3/96 steps were taken to affect the benefit to the Applicants as per the direction of this Honb'le Tribunal dated 22.11.95, passed in OA 65/95 and as the Respondent No. 3 is not the authority to affect the benefit, permission was asked from the Telecom Directorate to affect the benefit to the Applicants. But Telecom Directorate did not clear the case immediately on the plea that in similar cases the Honb'le CAT/Madras has dismissed by its order dated 22.11.95, the similar step up claims of the Applicants in OAs 1823-1826, 1829-1830, 1861, 1895-1899 of 1993. Similarly the Madras Bench of CAT has dismissed another two similar OAs on the same subject viz. OA 1295/94 and 79/95 by its order dated 22.1.96. As per Telecom Directorate there is good ground for filing SLP against the order of the Hon'ble Tribunal, Guwahati and hence the Respondent no. 3 was asked to hold up the payment till SLP is filed in the Supreme Court.

4. That now the Telecom Directorate wants further time to file the SLP in the Supreme Court and till that time provisional clearance has been given to the Respondent No. 3 to affect the benefit to the Applicants provisionally as per the order of Hon'ble CAT Guwahati. Accordingly the Respondent No. 3 vide its order no. STES-21/102/42 dated 21.6.96. has provisionally paid the benefit to the Applicants which shall be deducted if an SLP is admitted and stay granted by the Supreme Court in the near future. A copy of the said order is enclosed as Annexure-II.

5. That the Respondent on behalf of all the respondents begs to state that in view of the facts and circumstances stated


above there is no sufficient ground for the contempt and the Contempt petition filed by the Applicants is liable to be dismissed.

- V E R I F I C A T I O N -

I, Shri B. Dasgupta, Asstt. Director Telecom (HRD), Office of Chief General Manager Telecom, Assam Telecom Circle, Guwahati being authorised by do hereby solemnly declare that the statements made above are true to my knowledge, belief and information.

And, I, sign the verification on the 25th day of June 1996, at Guwahati.

::: DECLARENT :::



Handwritten signature of B. Dasgupta, with initials 'BD' written below it.

ASST. Director Telecom (HRD)
O. of the C. G. M. T Assam Circle
Guwahati - 781 007

Annexure I

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENGALI GUWAHATI-5.

R.A. 2/96 (O.A. 65/95)

Union of India & Ors. ... Petitioners
-VS-
Monomohan Doy & Ors. ... Respondents

P R E S E N T

THE HON'BLE JUSTICE SIRI M.C. CHAUDHARI, VICE CHAIRMAN
THE HON'BLE SIRI G. L. SANGLYINE, MEMBER (ADMN.)

For the Petitioners ... Mr. S. Ali, Sr.C.G.S.C.

For the Respondents ... Mr. D.K. Sharma,
Mr. B. Mahto.

D A T E

28-2-96

O R D E R

Mr. S. Ali, Sr.C.G.S.C. for the
applicant (Original respondents).

The grounds raised for review
relate to merits of the case and if the
applicants feel aggrieved by the view taken
by us their remedy does not lie by way of
Review Applications.

R.A. rejected.

Sd/- VICE CHAIRMAN
Sd/- MEMBER (ADMN)

Certified to be true Copy
সত্যকপি প্রমাণিত

[Signature]
COURT OFFICER
Central Administrative Tribunal
Guwahati
28/2/96

Attested

[Signature]

ASST. Director Telecom (H)
O/o the C. G. M. T. Assam
Guwahati - 781 002

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page 5
Annexure IV

8 Lpm

Govt. of India.
Department of Telecom.
Office of the Chief General Manager Telecom.
Ulubari, Bora Service Station, Guwahati-781007.

No. STES-21/102/95-96/42

Dated, at Guwahati the 21.06.98.

To:

✓ The Chief General Manager Madras Telephone District
No.78 Parusawakam High Road, Madras-600010.
The Chief General Manager, Task Force, Guwahati.
The Chief General Manager Telecom, AP Circle, Hyderabad.
The TDM, Guwahati.
The Area Director Telecom, Guwahati.
The TDE Jorhat.
The TDE Nagaon.
The TDE Tezpur.
The AO/TA, Office of CGMT/Guwahati.

Sub:- Stepping up of the pay of 18 nos. of Accounts Officers in accordance with the CAT/Guwahati order dated 22.11.95 given in OA No.64/95 and 65/95 filed by Shri H.C.Chakraborty & Others and Shri M.M.Dey & others against union of India & others.

In continuation of this office letter no. STES-21/102/95-96/34 dated 21.3.96, the Chief General Manager Telecom, Assam is pleased to order the stepping up of the pay of the Applicants in OA 64/95 at par with their Juniors Shri R.C. Chakraborty and the Applicants in OA 65/95 at par with their junior Shri K. Sankarnarayanan.

The clearance for affecting the benefit to the Applicants is being issued by this office provisionally as an SLP is being filed in the Supreme court against the Order dated 22.11.95 of CAT guwahati passed in OA 64 and 65 of 1995. It is made clear that in case the SLP against the judgement in the Original Application is admitted by the Supreme Court and stay order granted, the benefit thus paid will be withdrawn and the amount thus paid to the applicants shall be recovered in full. The officers concerned will give an undertaking to this effect before receipt of payment.

The list of the Applicants are as follows:

Sl.No.	Name of the Officer	Designation	Unit Posted presently.
1.	Sri Haran Chandra Chakraborty	Sr.A.O.	O/o the TDM/Guwahati.
2.	Sri Biswajit Deb,	Sr. A.O.	-do-
3.	Sri B.B.Mukherjee,	A.O.	O/o TDE/Nagaon.
4.	Sri J.Chenchaiah,	Sr.A.O(ICO)	O/o.CGMT/A.P.Circle. Hydarabad.

contd...2

Attended
B. Dasgupta
M/L
Asst. Director Telecom. P.U.
O/o the C.G.M.T. Assam Circle
Guwahati-781 007

Sl.No.	Name of the Officer	Designation	Unit Posted presently.
5.	Sri G.Thalamuthu,	A.O(TRA)	Madurai Telecom.Dist. Madurai(T.N.Circle)
6.	Sri S.Seshadri,	A.O(ICO)	O/o.CGMT/Guwahati.
7.	Sri P.Sundarajan,	A.O(Cash)	O/o.TDE/Jorhat.
8.	Sri C.Rajendran,	A.O.	O/o.the CGMT/Guwahati.
9.	Sri S.U.Balakrishnan,	A.O.	O/o the TDM/Guwahati.
10.	Sri T.S.Nagarajan,	A.O.	under Director,Mtce. ETR/Guwahati.
11.	Sri V.K.Hariharan,	A.O.	O/o CGMT/Madras Telephone Madras--10.
12.	Sri K.S.Monoharan,	A.O.	-do-
13.	Sri Monomohan Dey,	Sr.A.O.	O/o.the TDM/Guwahati.
14.	Sri Babul Kumar Das,	Sr.A.O.	O/o the AMT/Guwahati.
15.	Sri Manabendra Saha,	Sr.A.O.	O/o.the CGMT/Guwahati
16.	Sri Khagendra Nath Sarma,	Sr.A.O(A&P).	-do-
17.	Sri Islam Ahmed,	Sr.A.O.	O/o. the TDE/Tezpur.
18.	Sri B.Tirupataiah,	Sr.A.O(ICO)	O/o.CGMT/A.P.Circle Hyderabad.

The orders in respect of the officers at Sl.No.4,5,10, 11,12 and 18 are not issued from this office as they do not belong to Assam Telecom.Circle.

(S.K. Kayal)
Deputy General Manager Telecom
O/O The C.G.M.T.Assam Circle.
Guwahati----781007.

Asstt. Director Telecom (M.H.U.)
O/o the G.M.T. Assam Circle
Guwahati-781 007