

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI****C.P. No.515/2017 In
O.A No.381/2017****Reserved On:16.02.2018
Pronounced on:20.02.2018**

**Hon'ble Mr. Raj Vir Sharma, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Ishwar Chand (Aged about 50 years)
S/o Lt. Sh. Kishan Chand,
R/o H.No.886, Krishanpura,
Ganaur, Sonipat, Haryana.
2. Rishi Kumar Sharma (Age 50 years)
S/o Sh. Ganeshi Lal Sharma,
R/o 5/18, Chanchal Park,
Nangloi, Najafgarh Road,
New Delhi-43.
3. Rajbir (Aged about 45 years),
S/o Shri Daya Singh,
R/o Vill. Chatiya Olliya,
P.O. Panchi Jattan Distt,
Sonepat (Haryana).
4. Kuwar Singh (Aged about 42 years),
S/o Late Shri Khem Singh,
R/o A-17B, D.S.I.D.C. Madipur,
New Delhi-110063.
5. Ram Niwas (Aged about 45 years),
S/o Shri Raghbir Sharan Parasher,
R/o H.No. 494, V&PO Bakner,
Delhi-40.
6. Ramesh Kumar (aged about 50 years),
S/o Shri Tara Chand,
R/o H.No.1045, V&PO Karala,
Delhi-81.
7. Sunil Kumar (Aged about 41 years),
S/o Shri Daulat Ram,
R/o 39, ESI Colony,
Basai Darapur, New Delhi-15.

8. Mahesh Kumar (Aged about 29 years),
S/o Shri Bhagwati Prasad,
R/o 240A/1, Block-A,
Pochanpur Extn., Sector 23,
Dwarka, New Delhi-77.
9. Renu Verma (Aged about 46 years),
W/o Shri Naresh Kumar,
R/o Qtr. No.42, ESI Colony,
Basai Darapur, New Delhi-15.
10. Bhim Singh (Aged about 52 years),
S/o late Shri Thawariya,
R/o Village Rampur (Kundal),
Distt. Sonipat, Haryana.
11. Satto Devi (Aged 46 years),
S/o Late Shri Balwan Singh,
R/o H.No.S-24, Rajdhani, Nangloi,
New Delhi-110041.
12. Sunil Kumar Nayar (Aged 52 years)
S/o Lt. Sh. V.M. Nayyar,
R/o H.No.427-428, E.S.I. Colony,
Basidarpur, New Delhi-110015.

(All applicants are working in E.S.I. Hospital
as O.T./C.S.S.D. Assistant/Technician) .. Petitioners

(By Advocate : Shri R.K. Sharma)

Versus

1. Deepak Kumar
Director General,
E.S.I. Corporation,
Panchdeep Bhawan,
Kotla Road, New Delhi-02.
2. Sanjay Sinha
The Director, Directorate (Medical) Delhi,
Employees State Insurance Scheme,
Dispensary Complex,
Tilak Vihar, New Delhi. .. Respondents

(By Advocate: Shri A.K. Verma)

ORDER**By Hon'ble Ms. Nita Chowdhury, Member (A)**

This Contempt Petition has been filed by the petitioners alleging disobedience of the order passed by the Tribunal in Original Application (OA) bearing No.381/2017 on 02.02.2017. The order reads as under:-

“2. It is stated that the applicants made representations in July/August, 2016 (placed at Annexure A/7 colly.) followed by reminders. However, the respondents have not passed any orders thereon till date.

3. In the circumstances, the O.A. is disposed of at the admission stage, without going into the merits of the case, by directing the respondents to dispose of the representations of the applicants by passing appropriate speaking and reasoned orders thereon, in the light of order dated 19.04.2016 passed by this Tribunal in O.A. No.2995/2014 with O.A. No.2996/2014, within a period of 90 days from the date of receipt of a certified copy of this order”.

2. The facts, in brief, are that petitioners are seeking benefit of higher Grade Pay of Rs.2400/- on the ground that the same has been granted to similarly situated persons on the basis of the judgment passed in OA Nos.2995/2014 (Shri Dharmbir Singh Ranga and Others) and 2996/2014 (Shri Munish Kumar and Others) while working as OT Assistant/CSR Assistant they should also be extended the same Grade Pay. Hence, they have pleaded that respondents have wilfully disobeyed the orders of this Tribunal and action be taken against them under The Contempt of Courts Act, 1971 and CP be allowed.

3. The respondents have filed their counter denying all the allegations and submitted that they have complied with the order by passing speaking order dated 08.06.2017 wherein they have clearly mentioned that petitioners are not entitled for higher Grade Pay of Rs.2400/- as claimed by them. The reasons given for grant of higher Grade Pay to some of the persons were only on the basis of judgment passed by the Tribunal/court. This cannot be termed as a ground to claim higher Grade Pay. Further, they have held in the speaking order dated 08.06.2017 as under:-

“The higher grade pay of Rs.2400 has been given only to the petitioners OT/CSR Assistant on the specific directions of Hon’ble CAT in the aforesaid cases. Higher grade pay is subject to outcome of Writ Petition filed by the respondents against the order of Hon’ble CAT PB dated 13.01.2014 in OA No.1464/2003 Ashok Kumar and Others Vs. U.O.I. also the Writ Petition No.18/2015, filed against the Order dated 19.12.2013 in OA No.3227/2011 (Braham Pal & Others Vs. U.O.I.)

Recruitment regulations for the post of OT/CSR Assistant prescribes for the grade pay of Rs.2000/- for the post. Therefore, Shri Ishwa Chand & 11 Others are not eligible for higher grade pay of Rs.2400/-. In view of the aforesaid, the representations (details of which given in the annexure ‘A’) of petitioners lack merit and cannot be acceded to”.

4. They have further submitted that they have highest regard for the judicial orders including the one passed in this OA 381/2017 on 02.02.2017 and have not committed any wilful non-compliance of the said order of this Tribunal. Thus, they have submitted that the CP be dismissed as respondents have not committed any contempt.

5. We have heard the learned counsel for the parties and perused the pleadings.

6. We may mention that this Tribunal has considered all the pleas raised by the petitioner and asked the respondents to pass a speaking order on their representations. The said order was passed on 08.06.2017.

7. In a Contempt Petition, we have only to see whether the directions issued by the court have been complied with or not and since respondents have complied with the directions issued by the Tribunal, we do not find that the respondents have committed any contempt. Moreover, the Hon'ble Apex Court in **Lalith Mathur v. L. Maheswara Rao (2000) 10 SCC 285** has held that "once the Court direction to consider the employee's representation was complied with and his representation was rejected on merits, contempt petition would not be maintainable". It is trite law that contempt jurisdiction is to be exercised sparingly and in very deserving cases only and not casually. Such a power is not intended to be exercised as a matter of course.

8. Thus, seen from any angle, no case for contempt is made out. Hence, CP is rejected. Notices are discharged.

(NITA CHOWDHURY)
MEMBER (A)

(RAJ VIR SHARMA)
MEMBER (J)

Rakesh