

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI****C.P. No.516/2017 In  
O.A No.641/2017****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. Dhani Ram  
(Aged about 48 years)  
S/o Shri Suraj Mani  
R/o H.No.2145, Gali No.40-C,  
Molar Band Extn., Badarpur,  
New Delhi-44.
2. Vinod Kumar  
(Age about 50 years)  
S/o Late Shri Lahana Singh  
R/o F-II-231 Madangiri,  
New Delhi-62.
3. Harender Mahto  
(Aged About 48 years)  
S/o Shri Parmeshwar Mahto  
R/o D-226, Raghubir Nagar,  
PO Rajauri Garden, New Delhi-27.
4. Birender Kumar  
(Aged about 48 years)  
S/o Shri Rago Prasad  
R/o B-3, Type-I, ESI Colony,  
Okhla, New Delhi-20.
5. Satbir Sharma  
(Aged about 47 years)  
S/o Late Shri I.T. Yadram Sharma  
R/o RZ P-98, Roshanpura Extn.  
Najafgarh, ESI Hospital, Okhla,  
Phase-I, New Delhi-20.
6. Ajit Kumar (Aged about 46 years)  
S/o Shri Om Prakash  
R/o B-16, Type-II, ESI Hospital Colony,  
Okhla, Phase-1, New Delhi-20.

7. Amit Kumar  
(Aged about 31 years)  
S/o Shri Rohtash Kumar  
R/o H-16/77, Near UCO Bank,  
Ratiya Marg, Sangam Vihar,  
New Delhi-110080.

8. Subhash  
(Aged about 43 years)  
S/o Shri Chakardhar  
R/o Q.No.A-13, Type-II,  
ESI Hospital Staff Colony,  
Okhla Phase-1, New Delhi-20.

9. Raj Kumar  
(Aged about 46 years)  
S/o Shri Chatter Singh  
R/o Village & Post Office – Machhgar,  
Ballabgarh, Faridabad, Haryana ..

...Petitioners

(All applicants are working in ESI Hospital  
As OT/CSSD Assistant/Technician)

(By Advocate: Shri Ravinder Kumar 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.641/2017 on 21.02.2017. The order reads as under:-

“4. It is submitted that the applicants made number of representations including Annexure A/7 dated 22.07.2016 to the respondents ventilating their grievances. However, the respondents have not passed any orders thereon till date.

5. In the circumstances, the O.A. is disposed of at the admission stage, without going into the other merits of the case, by directing the respondents to consider Annexure A/7 representation dated 22.07.2016 of the applicants and to pass appropriate speaking and reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs”.

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 by this Tribunal. 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 (Annexure R-2) 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 No.641/2017 on 21.02.2017 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