

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**CP-677/2014 in
OA-1104/2010**

Reserved on : 06.01.2016.

Pronounced on : 08.01.2016.

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

1. F.R. Singh & Ors.
S/o Late Shri K.S. Rawat
R/o Sc- 21, House No. 107,
Pocket -12, Rohini, New Delhi

2. Shri Raj Vilochan Kukret,
S/o Late Mahanand,
Village : Kaulagarh,
Prempur Mafi,
Dehradun Uttrakhand.

3. Shri Prem Singh, (SA)
S/o Late Lal Singh,
R/o Village Aamwala,
Tallis, Tapowan.
Dehradun.

4. Shri BS Negi, (SA)
S/o Late D.S. Negi,
R/o 324, Tea Estate,
Banjara Wala,
Dehradun, Uttrakhand

5. Shri RV Chauhan,
S/o Late Sh. Nanak Singh (SA)
R/o 293/409, Block -1, Chuckuwala
Dehradun, Uttrakhand.

6. Shri ML Jakhmola,
S/o Late ID Jakhmola (SA)
R/o 83, Block Line,
Arya Nagar, Dehradun,
Uttrakhand.

7. Shri Anand Singh
S/o Late Ajai Singh Negi, (SA)
R/o 6-1-2, Salawala,
Dehradun, Uttrakhand.

8. Shri DS Rawat
S/o Late Kunwar Singh Rawat (SA)
R/o 121, Shakti Colony,
Dehradun, Uttarakhand.

9. Shri Surendra Singh
S/o Late Guman Singh (SA)
R/o Nanurkhera, NBalapani Road
Dehradun, Uttarakhand.

10. Shri CP Singh
S/o Sukharm Singh (Sr)
R/o Rishi Nagar,
Dehradun, Uttarakhand.

11. Shri BS Upadhyay
S/o Late Anand Swaroop (SA)
R/o Nanurkhera, NBalapani Road
Dehradun, Uttarakhand.

12. Shri Satya Pal Oberai
S/o Late Ganga Ram (SA)
R/o 520/1, Chuakuwala,
Dehradun, Uttarakhand.

13. Shri Ram Prasad Sharma
S/o Late Jayanand (SA)
R/o 83.1-119, Dobhaiwala,
Dehradun, Uttarakhand.

14. Shri Sardar Hardyial Singh
S/o Brijendra Singh (SA)
R/o 59/22 Moti Bazar,
Dehradun, Uttarakhand.

15. Shri Puran Chandra
S/o Late Nanda Dutt (SA)
R/o Upper Garhwali Colony,
Nehru Gram, Uttarakhand.

16. Shri CPS Tomar,
S/o Late Anand Singh Tomar (SA)
R/o C-6, Shivlok Colony,
Raipur Road,
Dehradun, Uttarakhand.

17. Shri AR Gaur
S/o Late Mangla Nand (SA)
R/o 85-16-C, Neshvilla Road,
Dehradun, Uttarakhand.

18. Shri OM Prakash Dhingra (SA)
S/o Late Ram Lal (SA)

R/o 39/8-B, Street No.3,
Rajendra Nagar
Dehradun, Uttarakhand.

19. Shri Sada Nand Balodi,
S/o Late Shish Ram Balodi (SA)
R/o 6-1-3, Salawala, New Cantt.
Road, Dehradun, Uttarakhand.

20. Shri MS Bhanadari
S/o Late Balbir Singh (SA)
R/o 52/38, Kalidas Road,
Dehradun, Uttarakhand.

21. Shri Kharak Singh
S/o Late Gopal Singh (SR)
R/o 5/11, Kalidas Rode,
Dehradun, Uttarakhand.

22. Shri Mohan Singh
S/o Late Sher Singh (SA)
R/o 62, Old, Dalanwala,
Dehradun, Uttarakhand.

23. Shri Birendra Singh Rawat
S/o Late Bhawn Singh Rawat (SA)
R/o 116, Salawala,
Dehradun, Uttarakhand.

24. Shri Jeet Singh Rawat
S/o Late Kalam Singh Rawat (SA)
R/o Upper Sarthi Vihar,
Rajendra Nagar, Ajabpur Danda,
Dehradun, Uttarakhand.

25. Shri NS Verma
S/o Late Munsi Singh (SA)
R/o 277, Chuckuwala,
Dehradun, Uttarakhand.

26. Shri Satish Chandra Verma
S/o Late Udai Ram (SA)
R/o 63, Mansigh Wala, Karanpur,
Dehradun, Uttarakhand.

27. Shri May Dutt,
S/o Late Sh. Bir Mani (SA)
R/o Village & PO Anarwala,
Dehradun, Uttarakhand.

28. Shri Yogender Singh,
S/o Late Atar Singh (SA)
R/o House No. 54-A, Hathibarkala

Dehradun, Uttarakhand.

29. Shri S.S. Rawat,
S/o Late PL Sharma
R/o House No. 11, Cross Road,
3 Tapowan Enclave,
Nalapani Road,
Dehradun, Uttarakhand.

30. Shri Jagdish Prasad
S/o Late Kali Ram
R/o 3/3 Curzon Road,
Dehradun, Uttarakhand.

31. Shri B.S. Bhiman
S/o Late Ram Swaroop, (SA)
R/o 187, Khurbura Mohalla,
/3 Curzon Road,
Dehradun, Uttarakhand.

32. Shri Vinod Kumar Sharma
S/o Anand Swaroop, (SA)
H-123, Hathibarkala Estate,
Dehradun, Uttarakhand.

33. Shri Tilak Raj Wadhwa
S/o Late Nanadk Chand (SA)
127/2/, Mannu Ganj,
Hakikatral Nagar
Dehradun, Uttarakhand.

34. Shri K.S. Negi
S/o Late NS Negi, (SA)
R/o 245, Ajabpur Kala
Dehradun, Uttarakhand.

35. Shri Jaman Singh Rawat
S/o Late Guman Singh Rawat
85/14-2A, Neshvilla Road,
Dehradun, Uttarakhand.

36. Shri SD Pokhriyal
S/o Late Narayan Dutt Pokhriyal
R/o 85-14-2,
Neshvilla Road,
Dehradun, Uttarakhand.

37. Shri Sumer Singh
S/o Late Gopal Singh,
Village Kidduwala,
Dehradun, Uttarakhand.

38. Shri Lal Mani

S/o Late Amba Dutt Joshi
R/o Gujrara,
Mansinghwala,
Dehradun, Uttarakhand.

39. Shri Satya Dev,
S/o Late Babu Lal Dobbal
R/o 43 Tapkeshwar Road,
Garhi Uttarakhand.

40. Shri SS Rautela
S/o Late PS Rautela,
R/o 43/10, Vijay Colony,
Dehradun, Uttarakhand.

41. Shri KS Bangari,
S/o Late Ram Singh Bangari,
R/o 105/4, Vijay Colony,
Dehradun, Uttarakhand.

42. Shri CS Negi
S/o Late Gyan Singh Negi,
R/o H. No. 14, Hathibarkala Eastate,
Dehradun, Uttarakhand.

43. Shri DS Gosain
S/o Late Sh. AS Gosain
R/o 63, Chitralkha Colony,
P/o Nehrugram
Badripur Road,
Dehradun, Uttarakhand.

44. Shri C.S. Bist
S/o Late Sh. D.S. Bist
R/o Shanskar Colony,
Badripur Road,
Dehradun, Uttarakhand.

45. Shri S.S. Hamal
S/o Late Sh. Shamsheer Singh
R/o Singh Niwas Kaulagarh
Dehradun, Uttarakhand.

46. Shri Tara Chand Katiyar (SA)
S/o Sh. Kalicharan Katiyar
Village Ajabpur Kaulagarh
Dehradun, Uttarakhand.

47. Shri N.K. Dhiman
S/o Lt. Sh. Kall Ram
Village & P.O. Mehunwala Mafi
Shimla Road
Dehradun, Uttarakhand.

48. Shri Sobat Singh Negi
S/o Lt. Bahadur Singh Negi
R/o 350, Veerchandrar Singh
Garhwali Mrg,
Dehradun, Uttarakhand.

49. Shri Rampal Singh
S/o Lt. Sh. Phool Singh Tyagi
R/o-33, Adarsh Colony, Subhash Nagar
Dehradun, Uttarakhand.

50. Shri Krishan Lal Sakhuja
S/o Lt. Sh. Ram Lal Sakhuja
R/o 117/6, Chander Nagar,
Dehradun, Uttarakhand.

51. Shri Som Raj
S/o Sh. Amar Chand
R/o 48/109, Old Dalanwala
Dehradun, Uttarakhand.

52. Shri H.S. Pruthi
S/o Late Sh. Mohar Singh
R/o C-29, Shivlok Colony,
Raipur Road,
Dehradun, Uttarakhand.

53. Shri M.S. Rawat
S/o Lt. Sh. G.S. Rawat
R/o Indrapastha Lane No. 3
P.O. Nehru Gram
Dehradun, Uttarakhand.

54. Shri M.S. Manku
S/o Lt. Sh. Bhagwan Singh
R/o 94/1 Bhandari Bagh
Gali No. 10, Dehradun,
Uttarakhand

55. Shri Atma Ram
R/o Village Hathikbarkala Gaon
Dehradun, Uttarakhand

56. Shri S.S. Pundir
S/o Udho Dass, 142, Patel Nagar,
Dehradun, Uttarakhand

57. Shri Ram Karan Singh
S/o Sh. Chandra Singh
R/o 38/24, Arya Nagar,
Block- 2, Dehradun, Uttarakhand.

58. Shri P.S. Panwar

S/o late Sh. Chater Singh (SA)
R/o 5, Pragati Vihar,
Sahastradhara Road,
Dehradun, Uttarakhand.

59. Shri Lal Singh
S/o Sh. Manglu Ram
R/o Jhiwarhari,
PO Karwari,
Dehradun, Uttarakhand.

60. Sh. D.K. Kanchan
S/o late Sh. Dinesh Chandra Kanchan
R/o 7, New Road,
Dehradun, Uttarakhand.

61. Shri Teg Bahadur Mall
S/o late Sh. I.S. Mall,
R/o Village Purkal Gaon,
Dehradun, Uttarakhand.

.... Applicants

(through Sh. M.K. Bhardwaj, Advocate)

Vs.

1. Sh. Vijay Raghvan,
Secretary,
Ministry of Science & Technology,
Department of Science & Technology
Technology Bhawan, New Mehrauli Marg,
New Delhi.
2. Sh. Swaran Subba Rao,
Surveyor General of India,
Survey of India, Dehradun, Uttaranchal.
3. Sh. Chander Pal,
Directorate of Survey (AIR),
Survey of India, West Block No.4.
R.K. Puram, New Delhi.

.... Respondents

(through Sh. D.S. Mahendru and Ms. Kiran Ahlawat, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Contempt Petition has been filed for alleged disobedience of Tribunal's order dated 19.09.2013, which reads as follows:-

"When the matter was taken up for consideration, the respondents produced a copy of the order dated 05.08.2013 passed by Surveyor

General of India granting higher pay scale of Rs.5500-9000 to Survey Assistants w.e.f. 01.01.1996 with consequential benefits of pay fixation on notional basis bereft arrears of pay and allowances. After perusing the aforesaid order, which has been passed in compliance of the judgment of Guwahati Bench of this Tribunal in OA-52/2009 as upheld by Hon'ble High Court of Guwahati, both counsel for the applicants as well as counsel for respondents agreed that the grievance of the applicants of this O.A. stood redressed and as such this O.A. has become infructuous. Accordingly, this O.A. is dismissed as having become infructuous. No costs."

2. The respondents have filed their reply on 29.06.2015 and on our direction filed an additional affidavit on 01.12.2015. In their additional affidavit they have stated that they have decided not to extend the benefit of order dated 05.08.2013 passed by Surveyor General of India granting pay scale of Rs.5500-9000 to Survey Assistants w.e.f. 01.01.1996 to the applicants herein as they had retired between 01.01.1996 to 31.12.2005.

3. We have heard both sides and have perused the material on record. Learned counsel for the petitioners argued that the respondents have committed Contempt of Court by deciding not to extend benefit of their order dated 05.08.2013 to the petitioners herein as it was only on their assurance that the applicants herein would get the benefit of higher pay scale of Rs.5500-9000 that the O.A. was disposed of. Learned counsel for the petitioners relied on the judgment of Hon'ble Supreme Court in the case of **Nand Kishore Ojha Vs. Anjani Kumar Singh**, (2010) 6 SCC 653, in Para-24 of which the following is laid down:-

"There appears to have been a change relating to appointment of primary teachers in primary schools with the advent of the new Government in Bihar in 2006 and the framing of the Bihar Elementary School Teachers Appointment Rules, 2006, which came into force on 1-7-2006, and have been amended from time to time. We, however, see no justification in the defence taken on behalf of the State of Bihar that on account of such change in policy the trained teachers who were in place at the time when the undertakings were given could not be accommodated. When such undertakings were given, they were meant to be implemented."

3.1 On the other hand, learned counsel for the alleged contemnors argued that there was no direction given by this Tribunal to extend the benefit of the aforesaid order to the applicants herein. Moreover, the order in question was passed with the consent of the parties without going into the merits of the case and in such cases no contempt action can be taken.

4. We have considered the rival submissions. A mere reading of the order passed by us reveals that the order dated 05.08.2013 was passed by Surveyor General of India in compliance of the judgment of Guwahati Bench of this Tribunal in OA-52/2009. When this order was brought to the notice of the parties, both the applicants counsel as well as the respondents counsel agreed that the grievance of the applicants of this O.A. stood redressed and the O.A. had become infructuous. This Tribunal had neither gone into the merit of this judgment nor had given any finding on the applicability of this order to the applicants herein. The applicants were, however, satisfied by mere passing of the order by Surveyor General of India and had consented to their O.A. being declared infructuous. There was no specific direction by this Tribunal to the respondents to extend the benefit of the order dated 05.08.2013 to the applicants of this O.A. as well. Hence, in our opinion, the respondents have not committed any Contempt of Court. The judgment relied upon by the learned counsel for the applicants does not seem to be relevant in this case as in that judgment the facts of the case reveal that the State of Bihar had given an undertaking to the Court to accommodate the Trained Primary Teachers. Under those circumstances, Hon'ble Supreme Court had directed that undertakings given to the Court need to be honoured. However, in the instant case, neither any such undertaking was given by the respondents nor any direction to this effect was given by this Tribunal.

5. We, therefore, do not find any contempt being committed by the contemnors in this case. This Contempt Petition is closed. Notices issued to the alleged contemnors are discharged. The applicants shall, however, have liberty to question the decision of the respondents not to extend the benefit of the order dated 05.08.2013 to them by means of appropriate judicial proceedings in accordance with law. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

/Vinita/