

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Contempt Petition No.180/00109/2017
in O.A 644/2014

Friday, this the 16th day of March, 2018

CORAM:

Hon'ble Mr.U.Sarathchandran, Judicial Member
Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

1. Ushasree G, aged 55,
D/o G. Venkataratnam,
Technical Officer,
O/o the Chief Engineer (NW) Kochi,
Kataribagh, Naval Base PO,
Kochi-4.
Residing at H/152116, Balaji Nagar,
Kukatpally, Hyderabad,
PIN-560 072, Telungana.
2. Kurian Sebastian, aged 56
S/o Sebastian,
Technical Officer,
O/o the Garrison Engineer,
Fort Kochi.
Residing at Moolan House,
Kokkunnu, Mookkannoor PO,
Emakulam, PIN-683 577.
3. M. Ravindran, aged 58
S/o A. Appu Nair,
Technical Officer,
O/o the Commander Works Engineers,
Ezhimala, Naval Academy PO,
PIN-670 310.
Residing at Ammuppillil House,
West Koratty, Mambra PO,
Thrissur, PIN-680 308.
4. Baby PV, aged 59
S/o P.J. Varghese,
Technical Officer,
O/o the Chief Engineer (NW) Kochi, Kataribagh
Naval Base, PO, Kochi-4,
residing at
5. Francis EV, aged 58,
S/o E.V. Vareedu,
Technical Officer,

O/o the Garrison Engineer (NW) Kochi,
 Kataribagh, Naval Base, PIN-682 004.
 Residing at Erally House, Manjapra PO,
 Angmaly, PIN-683 581.

6. Lali N Joy, aged 59
 D/o C.L. Pathrose,
 Technical Officer,
 O/o the Chief Engineer (NW) Kochi,
 Kataribagh, Naval Base PO, Kochi-4.
 Residing at N Joy Villa, ISED Road,
 Vennala PO, Emakulam, PIN-682 028.

7. Savithri Ravindran, aged 59
 D/o P. Sankara Pillai,
 Technical Officer,
 O/o the Garrison Engineer (AF),
 Pulayanan Kotta, Akkulam P.O., PIN-695 011.
 Residing at Vandana, Indira Nagar,
 Kadavanthra, Emakulam, PIN-682 020.

8. Sudharma S, aged 58
 D/o Achuthan K,
 Technical Officer,
 O/o the Garrison Engineer (Army),
 Trivandrum, Thirumala PO,
 PIN-695 006.
 Residing at Mithri, Changampuzha
 Cross Road, Edappally PO,
 Ernakulam, PIN-682 024. Petitioners

(By Advocate: Mr.R.Sreeraj)
 Versus

1. Mr.Sanjay Mitra IAS, Secretary
 to the Government of India,
 Ministry of Defence, New Delhi-110 011.

2. Lt.General Suresh Sharma, AVSM
 The Engineer-in-Chief,
 Military Engineer Services
 New Delhi-110 011 Respondents

1.(By Advocate: Mr.N.Anil Kumar, Sr.PCGC)

This Contempt Petition having been heard on 12.3.2018, the Tribunal on
 16.3.2018 delivered the following:

O R D E R

Per: Mr. E.K. Bharat Bhushan, Administrative Member

The Contempt Petition in O.A 644/2014 has been filed alleging failure on the part of the respondents to comply with the final order dated 29.5.2017 in O.A referred to above. A copy of the final order dated 29.5.2017 in O.A 644/2014 is at Annexure P-1. It is alleged by the applicants that no effective steps have so far been taken by the respondents for implementing the directions of the Tribunal and they have wilfully disobeyed the directions contained in the order in question.

2. Mr.R.Sreeraj, learned counsel for the petitioners and Mr.N.Anilkumar,Sr.PCGC(R), learned counsel for the respondents have been heard and all documents/records perused.

3. The applicants in the said Original Application are Technical Officers (TO) in the Department and they sought relief by way of restoring their parity with Assistants (Architectural Department) of CPWD and a direction to the respondents to grant 1st and 2nd financial upgradation under the Assured Career Progression Scheme to the scale of pay of Rs.6,500-10,500 (pre-revised) and Rs.10,000-15200/- (pre-revised) with effect from the dates they became eligible.

4. The order in O.A 644/2014 is as under:-

Respondents have filed reply statement, additional reply statement and an MA (No.180/00473/2017) to accept additional document marked as Annexure R8. In the MA, it is stated in para 3 as under:-

“3. In this connection, the Directorate General Personnel, MES, E-In-C's Branch,

Kashmir House, Rajaji Nagar, New Delhi vide letter dated 21.04.2017 has clarified that those Draughtsman/TOS of MES who have completed 24 years of regular service during intervening period of 01.01.2006 to 31.08.2008 will be granted 2nd financial upgradation in the pre-revised scale of pay of Rs.10,000-325-15200 (Revised pay scale of PB-3 Rs.15600-39100 with grade pay of Rs.6600) and further 3rd MACP to these Draughtsman/TOS in PB-3 with Grade Pay of Rs.7600/ after completion of 30 years of regular service. True copy of the letter No.CC-3/85610/47/MACP/D'Man/6th CPC/CSCC dated 21.04.2017 is produced herewith and marked as Annexure R8. It is respectfully submitted that Annexure R8 is relevant document for adjudicating the issue involved in the above Original Application and unless the above document is not accepted and taken on record by the Hon'ble Tribunal, the Miscellaneous applicants/Respondents will be put to irreparable loss and injury. ”

3. For the reasons stated in the MA, the MA is allowed and the document marked as Annexure R8 is accepted on record.

4. In the light of Annexure R8, the reliefs sought for by the applicants are granted by the respondents. We record the statement as aforesaid and also Annexure R8.

5. In the light of what have been stated, the respondents are directed to implement the order and disburse the benefits arising therefrom within three months from the date of receipt of a copy of this order. Original Application is disposed of. No order as to costs. ”

5. Respondents have stated in the affidavit that they have carefully considered the order of this Tribunal and have issued proceedings No.B/15006/840/EIB/Legal (O) dated 16 Jan 2018 (Annexure R-1) wherein the grant of 2nd financial upgradation under ACP Scheme in respect of the applicants had been examined. The three applicants who had completed 24

years of regular service during the intervening period from 1.1.2006 to 31.8.2018 have been granted the same. This order covers three Technical Officers who are applicants in the O.A and are petitioners in this Contempt Petition. It is further stated that, in so far as the applicants Shri.Kurian Sebastian, Shri.M.Ravindran, Smt.Baby P.V, Smt.Savithri Ravindran and Smt.Sudharma are concerned, their case could not be considered for grant of second ACP as they had already completed 24 years regular service before 1.1.2006 and are not covered by the order of this Tribunal and would not come under the purview of the benefits granted by this Tribunal.

6. We are of the view that the affidavit filed by the respondents along with documents at Annexures R1 & R2 amount to substantial compliance with the directions of this Tribunal. Hence the Contempt Petition is dismissed. Notices shall stand discharged. No costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(U.SARATHCHANDRAN)
JUDICIAL MEMBER**

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List of Annexures of the Petitioner

Annexure P-1 - True copy of the final order dated 29.5.2017 in OA 644/2014 on the file of this Tribunal.

Annexure R-1 - True copy of Directorate General Personnel/E1(DPC) letter No.B/43021/ACP/D'Man & TO/E1(DPC) dated 16 Jan 2018

Annexure R-2 - True copy of Directorate General Personnel/E1 (DPC) letter no.B/15006/840/EIB/Legal(O) dated 21 Feb 2018.