

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

CONTEMPT PETITION NO. 170/00135/2016

IN

ORIGINAL APPLICATION NO. 170/00537/2014

DATED THIS THE 17TH DAY OF AUGUST, 2017

HON'BLE SHRI JUSTICE HARUN-UL-RASHID...MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

V.N. Ramesh,
Aged 63 years,
S/o V. Nagaraja Rao,
Retired Hostel Manager,
Central Silk Board,
Silk Worm Seed Technology Laboratory,
Now residing at Door No. G-2,
"Sunrise Apartment",
7th Cross, Krishnamurthypuram,
Mysore – 570 004.

.... Petitioner

(By Advocate Shri Ranganath S. Jois)

Vs.

Dr. H. Nagesh Prabhu,
Member-Secretary,
Central Silk Board,
CSB Complex,
Madiwala,
Bangalore – 560 058.

.... Respondent

(By Shri N.S. Prasad, Counsel for the Respondent)

ORDER (ORAL)

HON'BLE SHRI JUSTICE HARUN-UL-RASHID, MEMBER (J):

The Original Application No. 537/2014 filed by the petitioner herein as the applicant was disposed off with directions on 04.08.2016. The operative portion of the order in the abovesaid OA is extracted below:

“9. For the reasons stated above, we are of the view that the applicant's grievance will have to be considered in the light of Annexure R-2 as modified vide Annexure A-3 OM. Re-assessment of service records shall be made based on the grading and on the basis of OM referred to above, i.e., Annexure R-2 and Annexure A-3 OMs.

10. The OA is, therefore, disposed of directing the 1st and 2nd respondents to consider the case of the applicant regarding grant of benefits of 2nd MACP and grant all consequential monetary benefits in the light of the observations made in the preceding paragraphs, within a period of 3 months from the date of receipt of a copy of this order. Applicant shall furnish a copy of the order to the respondents within 15 days. No order as to costs.”

After hearing the OA, the Bench of this Tribunal took a view that the applicant's grievance will have to be considered in the light of Annexure-R2 as modified vide Annexure-A3 OM. On consideration this Bench also ordered that re-assessment of service records shall be made based on the grading and on the basis of OM referred to above. In paragraph 10, the Bench directed the Respondents 1 & 2 therein to consider the case of the applicant regarding grant of benefits of 2nd MACP and grant all consequential monetary benefits in the light of the observations made in the preceding paragraphs, within a period of 3 months from the date of receipt of copy of the order.

2. We have examined the order passed pursuant to the direction issued by this Tribunal. The matter was considered on 07.10.2016 and a copy is marked as Annexure-CP2. The matter was examined as directed by this

Tribunal in the light of Annexure-R2 as modified vide Annexure-A3. A considered order was passed by the respondents and they have concluded that the applicant is not eligible for grant of 2nd financial upgradation to the grade pay of Rs.7600/- under MACP scheme. In the light of the finding recorded, the petitioner's claim for financial upgradation to the grade pay of Rs. 7600/- with effect from 28.11.2012 stands rejected.

3. In view of the considered order passed by the respondents and in the light of the reasonings expressed by them, we are convinced that the matter was decided on the basis of the direction issued by this Tribunal. In view of the fact that the directions has been complied with, we are unable to examine the correctness and legality of the order passed by the respondents in a Contempt of Court petition. If the petitioner is aggrieved by the said order, he is at liberty to challenge the said order before the appropriate forum. In that event, the forum can examine the legality and pass appropriate order.

4. The Contempt of Court Petition is therefore dismissed. Notices are discharged.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(JUSTICE HARUN-UL-RASHID)
MEMBER (J)

Ksk

Annexures referred to by the petitioner in CP No. 170/00135/2016

Annexure-CP1: True copy of the judgment dated 04.08.2016 of CAT, Bangalore Bench in OA No. 537/2014.

Annexure-CP2: True copy of the Memorandum No. CSB-63(69)/2010-ES.II (Law) dated 07.10.2016 issued by the Member-Secretary, Central Silk Board.

Annexure-CP3: True copy of Swamysnews extract of DOP&T OM No. 35034/3/2008-Estt. (D) (Vol.II), dated 04.10.2012.

Annexures with reply statement

Annexure-R1: True copy of the OM No. 35034/3/2008-Estt. (D) dated 19.05.2009 issued by Ministry of Personnel, Public Grievances and Pensions, DOP&T.

Annexure-R2: True copy of extract of C&R Rules of Central Silk Board for the post of Joint Director (Admn)

Annexure-R3: True copy of OM No. 35034/3/2008-Estt.(D)(Vol.II), dated 04.10.2012 issued by Ministry of Personnel, Public Grievances and Pensions, DOP&T.

Annexure-R4: True copy of OM No. 35034/3/2008-Estt.(D)(Vol.II), dated 01.11.2010 issued by Ministry of Personnel, Public Grievances and Pensions, DOP&T.

Annexure-R5: True copy of OM F.No. 35034/7/97-Estt.(D), dated 08.02.2002 issued by Ministry of Personnel, Public Grievances and Pensions, DOP&T.