

CP.No.170/00019/2018(OA.170/00429-00445/2016)/CAT/Bangalore Bench
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

CONTEMPT PETITION NO.170/00019/2018 IN ORIGINAL APPLICATION NO.
170/00429-00445/2016

DATED THIS THE 25th DAY OF JUNE, 2018

HON'BLE DR.K.B. SURESH, MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Sri.P.S.Rajashekar
S/o.P.Sharanappa
Aged 49 years
Working as Pharmacist
BWFF Dispensary, Harihar
R/o 1966/80, 9th Cross, S.S.Layout
Davangere-577004.
& 17 Others

... Petitioner

(By Advocate Shri V.V.Balan)

Vs.

1. Shri K.Shekar
Welfare & Cess Commissioner
Labour Welfare Org.
3rd Cross, 3rd Main
2nd Stage
Bangalore-560002.
2. Shri Rajit Punhani
Director General/JS-LWO
Jaisalmer House
Mansingh Road
New Delhi-110011.
3. Smt.M.Sathiyavathi
Secretary
Ministry of Labour & Employment
Shram Shakthi Bhawan
Rafi Marg
New Delhi-110001.

...Respondents

(By Advocates Shri M.Rajakumar)

ORDER

(PER HON'BLE PRASANNA KUMAR PRADHAN, MEMBER (A))

This Contempt Petition has been filed by the petitioner alleging non-compliance of the order dtd.27.04.2017 passed by this Tribunal in OA.No.429-445/2016. The order of the Tribunal in the said OAs was passed in terms of a decision earlier taken by this Tribunal in OA.No.418 & 419/2016 and directed as follows:

“3. Both sides submits that this OA can be disposed of in terms of relief granted in the above said OA. Therefore, we are of the view that the applicants who were appointed as Pharmacists are entitled to the benefits available to the Pharmacist cadre. Hence they shall also be entitled to get the benefits of the revised pay structure for the Pharmacists cadre in terms of the OM dated 18.11.2009, i.e. entry grade of Grade Pay of Rs.2800/- and non-functional upgradation after 2 years of service in the entry grade. We, therefore, direct the respondents to grant the revised pay structure w.e.f. 01.01.2006. The Respondent No.2 shall pass an appropriate order granting the financial benefits to the applicants within a period of two months from the date of receipt of a copy of this order.”

2. In the Contempt Petition which lacks clarity, the petitioners mentioned that the said order has not been complied with.
3. During the hearing, the Learned Counsel for the respondents submitted a memo showing compliance of the order and produced an office order dtd.06.06.2018 showing the grant of next higher grade having grade pay of Rs.4200 in respect of Pharmacists who are still in the entry grade of Rs.2800. All the other persons have already got the grade pay of Rs.4200 as on 01.01.2006.
4. On detailed consideration of the matter, we are of the view that there is no instance of any willful violation of the order passed by the Tribunal and hence the Contempt Petition stands closed. Notices issued are discharged. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

/ps/

(DR. K.B. SURESH)
MEMBER (J)

CP.No.170/00019/2018(OA.170/00429-00445/2016)/CAT/Bangalore Bench

445/2016)

Annexure-C1: True copy of the order made in OA.No.170/00429-00445/2016

Annexure-C2: True copy of order dtd.16.07.2010

Annexure-C3: True copy of order dtd.09.05.2011 made by HQ, ESIC, N.Delhi

Annexures with memo for compliance:

Annexure-1: Copy of the office order dated 06.06.2018

Annexure-2: Copy of the details of Pharmacist of LWO, Bengaluru Region.
