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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Contempt Petition (C) No.180/00130/2017
in
Original Application Nos.180/00536/2014

Monday, this the 17th day of December, 2018

CORAM:

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

1. A.R.Soman,
S/o Raghavan,
MES No.369642, Valveman (Retired),
Military Engineer Services,
O/o the AGE, E/M No.1, GE(NS),
Kataribagh, Naval Base (P.O.), Kochi-682 004.

2. P.T.Chandra Babu,
S/o P.P.Thankappan,
MES No.608453, Valveman ,
Military Engineer Services,
O/o the AGE, E/M No.1, GE(NS),
Kataribagh, Naval Base (P.O.), Kochi-682 004.

3. M.E.Mohanan,
S/o M.K.Eacharan,
MES No.109779, Valveman ,
Military Engineer Services,
O/o the AGE, E/M No.1, GE(NS),
Kataribagh, Naval Base (P.O.), Kochi-682 004.

4. P.V.Sajeevkumar,
S/o P.K.Velayudhan,
MES No.187906, Valveman ,
Military Engineer Services,
O/o the AGE, E/M No.1, GE(NS),
Kataribagh, Naval Base (P.O.),
Kochi-682 004. ...Contempt Petitioners
...Applicants-1, 3, 5 & 6 OA No.536/2014

(By Advocate Mr.P.K.Madhusoodanan)

.2.

Vs

1. Lt.Gen.Suresh Sharma,
(Age & Father's name not known to the Petitioners),
The Engineer-in-Chief,
Army Head Quarters,
Defence Head Quarters (P.O),
New Delhi – 110 001.

2. Sri Rajeev Chowdhari,
(Age & Father's name not known to the Petitioners),
The Engineer-in-Chief,
Southern Command,
Pune – 411 001.

3. V.B.Sooryavanshi,
S/o late Baliram S.Koli,
Aged 53 years,
Commander Works, Engineer (Naval Works),
Military Engineer Services, Kararibagh,
Naval Base (P.O.), Kochi – 682 004.

4. Lt.Col.G.S.Sandhu,
(Age & Father's name not known to the Petitioners),
The Garrison Engineer (Naval Services),
Military Engineer Services,
Kataribagh, Naval Base (P.O.),
Kochi – 682 004. ... Respondents

(By Mr. N.Anilkumar, Sr.PCGC for respondents)

ORDER

HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

This Contempt Petition is filed by four applicants in OA No.536/2014 against non-complainace of the order of this Tribunal dated 07.06.2016.

.3.

2. The petitioners aver that the order of the Tribunal in the said OA was to the effect that the applicants are entitled to the grade of skilled personnel in the post of Valveman. The petitioners are further aggrieved by the fact that even after being allowed extension of time by this Tribunal the respondents have not cared to implement the said order. The petitioners had caused a lawyer notice to be served on the respondents. Other than Respondent-4, endorsing a copy of the lawyer notice to Respondent-1&3 instructing them to make provisional payment, there has been no further action in pursuance to this Tribunal's order. The petitioners contend that the respondents have disobeyed the order of the Tribunal wilfully and deliberately.

3. The respondents have filed their reply statement denying the allegation. Citing a comparative statement pertaining to five applicants in OA No.536/2014 who are not petitioners in this contempt petition , four are seen to be drawing higher pay and the one who was drawing less pay was fixed at higher pay and paid arrears due, as per the directions of the Tribunal. It is submitted that the petitioners in the contempt petition were all drawing skilled grade pay of Rs.1900/- prior to the date of promotion as Valveman. The petitioners have responded to this by saying that they got the grade pay enhanced as part of MACP Scheme and in so far as their prayer for being given higher scale from the date of promotion as Valveman, there has been no positive response from the respondents despite the order of the Tribunal.

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4. In the additional reply statement submitted by the respondents, the latter have disputed the averments made in the Contempt Petition. The petitioners have been promoted to the post of Valveman w.e.f. 24.04.2009, 31.03.2008, 03.04.2009 and 01.04.2008 respectively. All the petitioners were already placed in pay scale of Pay Band-1 i.e., Rs.5200-20200/- with Grade Pay of Rs.1900/- which is equivalent to the skilled pay scale of pre-revised pay scale of Rs.3050-4590, as a result of upgradation under 1st MACP Scheme. The relief of Annexure P1 order was to allow them the higher scale of skilled category from the date of their promotion as Valveman. It is seen that they were already on the scale and grade pay. In a contempt petition the only point is to ascertain whether the order has been implemented in the literal sense. As the petitioners were on skilled grade pay from the date of their promotion to Valveman category, there appears to be no cause for the petitioners to pursue through a Contempt Petition. CP is closed and notices are discharged.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in C.P.(C) No.180/00130/2017 in O.A.No.180/00536/2014

1. **Annexure P1** – True copy of order dated 07.06.2016 in OA No.180/536/2014 passed by this Hon'ble Tribunal.
2. **Annexure P2** – True copy of Order dated 13/2/2017 in MA No.180/159/2017.
3. **Annexure P3** – True copy of the lawyer notice dated 27.07.2017 served on the first respondent.
4. **Annexure P4** – True copy of the postal acknowledgment card received back after serving Annexure P3 on 1st respondent.
5. **Annexure P5** – True copy of the postal acknowledgment card received back after serving Annexure P3 on 4th respondent.
6. **Annexure P6** – True copy of the Letter dated 29.07.2017 of the office of the 3rd respondent.
7. **Annexure R1** – True copy of the Order dated 17.05.2016 in O.A.No.134/2015.
8. **Annexure R2** – True copy of the order dated 13.02.2017.
9. **Annexure R3** – True copy of the letter dated 08.05.2013.
10. **Annexure R4** – True copy of the letter dated 18.01.2017.
11. **Annexure R5** – True copy of the Special PTO.
12. **Annexure R6** – True copy of the special part II order
13. **Annexure R7** – True copy of the Special PTO orders.
14. **Annexure R8** – True copy of the PTO dated 07.02.2017.
15. **Annexure R9** – True copy of the letter dated 08.05.2013.
16. **Annexure R10** – True copy of the relevant portion of Service Book along with option exercised by the 1st Petitioner.
17. **Annexure R11** – True copy of the relevant portion of Service Book along with option exercised by the 2nd Petitioner.

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18. **Annexure R12** – True copy of the relevant portion of Service Book along with option exercised by the 3rd petitioner.
19. **Annexure R13** – True copy of the relevant portion of Service Book along with option exercised by the 4th petitioner.
20. **Annexure P7** – True copy of the order vide PTO No.50 dated 10/12/2012 as in the case of 2nd petitioner.
