

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 8th day of November Two Thousand And Eighteen

PRESENT:

THE HON'BLE MRS. JASMINE AHMED, MEMBER (J)

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

C.P./310/81/2018

in

O.A./310/1634/2014

1. V. Sadasivam,
S/o. G. Velayudham,
Aged about 50 years,
No.61, V.O.C. Street,
Puducherry- 605 001;
2. D. Maragathavel,
S/o. M. Detchanamourty,
Aged about 45 years,
Maduku, Karaikal- 609 602;
3. S. Jeevanandam,
S/o. C. Srinivasalu, aged about 45 years,
Plot No.3, I Main Road Extension,
Johnpaul Nagar Extension,
Puducherry- 605 004.

....Applicants

(By Advocate :M/s. R. Sarvanan)

Versus

1. Shri P. Prarthiban, IAS,
The Secretary to Government,
Port Department,
Goubert Avenue, Chief Secretariat,
Puducherry-1;
2. M. Kannan,
The Under Secretary (Personnel)
Dept. of Personnel & Administrative Reforms,
Goubert Avenue, Chief Secretariat,
Puducherry-1;
3. Shri P. Arivazhagan,
The Director of Posts
Government of Puducherry,
No.1, Rue Dumas, Puducherry- 605 001.

...Respondents

(By Advocate:Mr. R. Syed Mustafa)

ORAL ORDER

(Pronounced by Hon'ble Mrs. Jasmine Ahmed, Member (J))

This C.P. has been filed for wilful disobedience of the order of the Tribunal dated 18.7.2016 in OA. 1634 of 2014.

2. Counsel for the contempt petitioners submit that although the respondents took 2½ years to comply with the order, they passed an order dated 17.07.2018 and, even now, the contempt persists because the applicants' representations' have not yet been disposed of on merit and the respondents have passed an order that the Administration of Union Territory of Puducherry is not the competent authority and accordingly reference has been made to the competent authority.

3. Counsel for the respondents would submit that the respondents were not competent authority and, therefore, they made reference to Government of India. He drew our attention to para -6 of the order dated 17.07.2018 of the respondents:-

"6. And whereas, the Port Secretariat, Government of Puducherry has sent a proposal to the Ministry of Home Affairs, Government of India, New Delhi for considering the revision of pay scales to the post of Wireman from Rs. 3050- 4590/- to Rs. 4000-6000/- in the Port Department, Government of Puducherry on par with the Wireman of the Electricity Department, Government of Puducherry vide Letter No. 236/CS(Port)/2018 dated 16.02.2018 of the Chief Secretariat (Ports), Government of Puducherry."

It is stated by the respondents that as it was not their fault and the applicant had not impleaded the competent authority in the array of parties in the O.A.

4. We have considered the matter. Since it is submitted that the respondents herein are not competent to decide the matter and the applicant himself failed to implead the competent authority in the OA,

therefore, it is natural that the applicants would not get relief in terms of the order passed by this Tribunal. Although we are of the view that the respondents ought not to have taken such a long time to realize that they are not the competent authority and further no Miscellaneous Application is filed by the respondents seeking extension of time giving reference to the competent authority for complying with order of the Tribunal. This is not the behaviour expected of the respondent's authority. As the matter is before the Ministry of Home Affairs, Government of India, New Delhi, we direct the respondents herein to pursue the matter and get a decision within a period of six weeks from the date of receipt of copy of this order, failing which, the applicant shall be at liberty to take proper course of law impleading the competent authority as well and seeking relief.

5. The C.P. is closed with the above terms.

(R. RAMANUJAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

Asvs.

08.11.2018