



**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA  
CIRCUIT AT PORT BLAIR**

No. CPC. 351/00009/2014  
(O.A. 351/00077/2011)

Date of order: 21.12.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Shri B. Ishwar Lall,  
S/o. Late Brij Lall,  
R/o. Dean Street, VIP Road,  
Port Blair,  
Present posted as BDO, CD Block,  
Little Andaman,  
South Andaman District.
2. Shri M.P. Raj Mohan,  
S/o Shri O.P. Pappan,  
R/o Delanipur, Port Blair,  
Presently posted as BDO, CD Block,  
Ferrargunj, South Andaman.
3. Shri B.N. Bain,  
S/o Late J.C. Bain,  
R/o Subashgram, Delanipur,  
Presently posted as BDO, CD Block,  
Diglipur.
4. Shri Kishori Lall,  
S/o Shiv Deen,  
R/o Bathu Basthi, Port Blair,  
Presently posted as BDO, CD Block,  
Mayabunder.
5. Shri Rajender Pal,  
S/o. Late Sripal,  
R/o Caddlegunj, Ferrargunj, South Andaman,  
Presently posted as BDO, CD Block,  
Prothrapur.
6. Shri R. Mohannan,  
S/o Late P. Raman Pillai,  
R/o Kerelapuram, Diglipur, N & M Andaman,  
Presently posted as BDO, CD Block,  
Rangat.
7. Shri Fabian Ekka (expired),  
S/o Sabastin Ekka,

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R/o Dandus Point, South Andaman,  
Presently posted as BDO, CD Block,  
Campbell Bay.

8. Shri S. Joseph,  
S/o. Late Selvaraj,  
R/o Junglighat, Port Blair,  
Presently posted as BDO, CD Block,  
Car Nicobar.

.. Applicant

- V E R S U S -

1. Shri Anil Goswami,  
Union Home Secretary of India,  
Ministry of Home Affairs,  
Central Secretariat,  
New Delhi - 110 001.
2. Shri Anand Prakash,  
Chief Secretary,  
Andaman & Nicobar Islands,  
Port Blair.
3. Commissioner-cum-Secretary (RD PRI & ULB),  
A & N Administration,  
Port Blair - 744 101.

.. Contemnor/Respondents

For the Applicant : Ms.S. Ganguly, Applicant

For the Respondents : Mr. V.D.S. Balan, Contemnor/Respondents

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Contempt Application has been filed in the matter of wilful, deliberate and contemptuous action in non compliance of the orders passed on 28.11.2013 in O.A. 77AN/2011.

2. Heard Ld. Counsel for the petitioner as well as alleged contemnors.
3. The Tribunal, while issuing its orders, had directed as follows:-

" It is submitted by the parties that the matter can be disposed of as the proposal of UT and A & N Administration for upward revision of pay scale/GP of Block Development Officer under A&N Administration from the existing GP of Rs. 4200/- (PB-II) to GP of Rs. 4600/- has been considered in consultation with the integrated Finance Division (H) and the

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issue can be resolved since the Ministry has already taken up the matter as communicated vide letter 5.6.2013 addressed to the Ld. Counsel for the respondents by the Deputy Secretary (Panch), whereby he has requested the Administration to seek for considerable time for taking a decision and completion of the action by the Ministry.

As the matter with regard to upward revision of pay of Block Development Officers of A & N Administration from GP 4200/- to GP 4600/- is already under active consideration of the Ministry, let a decision be taken within a period of three months by granting appropriate pay benefits to the applicants in view of the aforesaid admitted position. O.A. is accordingly disposed of. No costs."

4. Being aggrieved at non-compliance of such orders, the applicant filed a Contempt Application and the Tribunal, vide its orders dated 17.12.2015, directed that four weeks' time was granted to file compliance report. Subsequently, the CPC was dropped by the Tribunal vide its order dated 13.4.2016 on the ground that decision had been taken by the competent authority. Being aggrieved, the applicant filed WPCT No. 254 of 2016 before the Hon'ble High Court at Calcutta (Circuit Bench at Port Blair) assailing such orders and the Hon'ble High Court directed the Tribunal to proceed with the Contempt Application.

5. The respondents issued a speaking order dated 4.8.2017 in which it was stated as follows:-

"WHEREAS, the DOE, Ministry of Finance conveyed their observations vide UO dated 17/18.09.2014 that "The matter has been examined in this Department and it has been observed that since the 7<sup>th</sup> CPC has already been constituted and started functioning, it appears more appropriate that the matter be referred to the 7<sup>th</sup> CPC for holistic examination of the case and matter appropriate recommendations thereon.

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WHEREAS, the 7<sup>th</sup> CPC submitted its report to the Government of India who vide para 11.23.30 did not accept the upgradation of grade pay of BDOs and recommended that functionally, the two posts i.e. BDO and Tehsildar are from different stream even though they form the feeder cadre for getting inducted into DANICS. Hence, the two cannot be compared. The demand cannot therefore be acceded to and the Government of India accepted recommendation of the 7<sup>th</sup> CPC."

It is seen that the Tribunal's orders were passed on the basis of submission by the parties that the upward revision of pay scale of Grade Pay of BDOs working under UT of A&N Administration from Rs. 4200/- (PB – II) to Rs. 4600/- has been approved in consultation with the Integrated Finance Division.

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As the orders have been passed based on submission of the parties and of the respondents in particular, the scope of further reference to the 7<sup>th</sup> Pay Commission does not arise as no such submissions on the necessity to refer the matter to 7<sup>th</sup> CPC had been made before the Tribunal by the respondents when the Original Application was heard.

8. Accordingly, with the consent of the Ld. Counsel for the petitioners, the alleged contemnors/respondents are directed to revisit their orders dated 4.8.2017, particularly in the context of the concurrence of the Integrated Finance Division and to pass necessary orders to comply with the orders of the Tribunal dated 28.11.2013. The alleged contemnors/respondents should complete the exercise within eight weeks of the date of receipt of a copy of this order.

9. With these directions, CPC No. 351/0009/2014 is disposed of. Notices issued, if any, are discharged.

The petitioners will, however, be at liberty to pray for revival of contempt in case of non-compliance of the above directions.

(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

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