

21

**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P.No.73/2005 in O.A.No.2572/2003

This the 25th day of February 2010

**Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Dr. Veena Chhotray, Member (A)**

1. Dr. Raj Kumar Tewari
Assistant Curator (N&E)
National Museum
Janpath, New Delhi-1
2. Anju Sachdeva
Assistant Curator
(Anthropology)
National Museum
Janpath, New Delhi-1
3. Sanjit Kumar Singh
Deputy Curator
(Exhibition Cell)
National Museum
Janpath, New Delhi-1
4. Dr. Binoy Kumar Sahay
Assistant Curator (N&E)
National Museum
Janpath, New Delhi-1
5. J.C. Grover
Assistant Curator (PH&Arch.)
National Museum
Janpath, New Delhi-1
6. Tejpal Singh
Assistant Curator (Arch)
National Museum
Janpath, New Delhi-1

..Applicants

(By Advocate: Shri R K Singh)

Versus

1. Union of India through
Shri Jawahar Sircar, Secretary
Ministry of Culture
Department of Culture
Shastri Bhawan, New Delhi-1
2. National Museum - through
Shri Nihal Chand Goel
Director General

National Museum
Janpath, New Delhi-1

..Respondents

(By Advocate: Ms. Lata Gangwani for Shri H K Gangwani)

ORDER

Shri Shanker Raju:

This CP is a fall out of an order passed by us on 12.5.2004 in OA-2572/2003 whereby having regard to merger of cadres and as per respondents' Office Order dated 15.4.2002 Deputy Curator is the promotional post in the pay scale of Rs.8000-13500. However, since the recruitment rules were not amended and in view of the statement of the respondents that the same are in the process of revision, OA was disposed of with direction to expedite the process and revise the recruitment rules. It was also directed that after the recruitment rules are finalized, claim of the applicants for grant of desired pay scale of Rs.8000-13500 may be considered.

2. An affidavit filed by the respondents shows that the recruitment rules since being revised and notified, promotional avenues have been created for Assistant Curator on the post of Production Officer and for grant of pay scale of Rs.8000-13500 a proposal has been sent with justification to concerned Ministry, which is under examination and a decision in this regard is awaited.

3. This has been refuted by learned counsel for applicants by stating that the directions are yet to be complied with by the

(16)

respondents and no decision has been taken whereby they have been placed in the higher pay scale.

4. We have carefully considered the rival contentions of the parties and perused the records.

5. In a contempt jurisdiction, we are concerned mainly of compliance of our directions in true letter and spirit. The first part of the directions, whatever maybe the backdrop, is revision of the recruitment rules creating avenues for promotion to the applicants in the cadre of Assistant Curator, which has since been complied with. The only direction for grant of desired pay scale on consideration is under process, which would not amount to any willful disobedience on part of the respondents. We hasten to add that such a decision would now be expeditiously taken on finality, so that the desired pay scale of Rs.8000-13500 be granted to the applicants. If in view of applicants' counsel some contentious issues have been raised, the remedy lies elsewhere but not in contempt jurisdiction.

6. CP stands disposed of with the above observations. Notices are discharged. No costs.

Chhotray
(Dr. Veena Chhotray)

Member (A)

/sunil/

S. Raju
(Shanker Raju)

Member (J)