

**HON'BLE SRI JUSTICE R.KANTHA RAO**

**C.C.No.463 of 2015**

**ORDER**

**This contempt case is filed complaining willful disobedience on the part of the respondent in implementing the orders passed by this Court in WP No.35421 of 2014, dated 01.12.2014.**

**Pursuant to the order passed by this Court on 1.12.2014, the first respondent passed the following order, which reads as under:**

**“In compliance of Hon’ble High Court of Hyderabad’s order dated 1.12.2014 in WPMP No.44308 of 2014 in W.P.No.35421 of 2014, I have gone through the issues raised by the Indian Federation of Port and Dock Workers (Regd No.347/77 and another). The Hon’ble High Court of Hyderabad has directed Union of India represented by Secretary, Ministry of Shipping, New Delhi (1<sup>st</sup> respondent) to consider the representation dated 1.11.2014 submitted by the petitioner and pass appropriate orders in accordance with law governing the field of fixation of pension.**

**On going through the matter, it is seen that the following issues have been raised in the representation dated 1.11.2014 submitted by the petitioner.**

- i. The Class I and II group are getting less pay when compared to C and D group w.e.f. 1.1.2012 since wage revision was taken for C & D group w.e.f. 1.1.2012.**
- ii. The consolidation w.e.f. 1.1.2012 for the pensioners by extending same fitment of 10.5% on par with service employees of C & D group was not done as per the earlier procedure of wage revisions w.e.f. 1.1.1997 and 1.1.2007 as per the Ministry’s orders, vide letter No.A-38011/45/98-PE-1, dated 1.4.1999. It is also submitted that Dearness Relief should be paid beyond index average 198 on par with service C & D group employees and there should not be two types Index for retirees and in service employees of C & D group i.e. 126 and 198 which leads to anomalies and complications in fixing the Minimum pension w.e.f.**

**1.1.2012.**

**It is observed that the representatives of labour federations had demanded consolidation of pension of Group C & D. As decided during the meeting in the Ministry the following clause was incorporated in the wage settlement dated 25.10.2013.**

**“Clause 40.2 of the settlement dated 25.10.2013 states that the demand of the Federations relating to consolidation of the pension/Family pension consequent on the pay and allowances w.e.f. 1.1.2012 will be analysed and put forth by a sub-committee of the BWNC and will be examined by the IPA in consultation with Ministry of Shipping and decision will be taken within a reasonable time”**

**Accordingly, a sub-Committee was constituted under the Chairmanship of Shri P.C.Parida, then Dy.Chairman Chennai Port Trust and now Chairman, NMPT with five representatives each from the Management side and Five Major Labour Federations. The sub-Committee submitted its report on 10.10.2014.**

**The report of the sub-Committee was discussed on 162<sup>nd</sup> meeting of the Governing Body of Indian Ports Association (IPA) held on 27<sup>th</sup> October, 2014. IPA forwarded the recommendations of said sub-Committee to the Ministry for implementation.**

**The report on the consolidation of pension of Group C and D retirees w.e.f. 1.1.2012 is under consideration of this Ministry and since, this involves financial implications, the consultation with Ministry of finance is imperative and for this, the matter has been referred to them.**

**The petitioners may be informed accordingly.”**

**The above said order shows that the report of the sub-Committee was discussed in the meeting of the General Body of Indian Ports Association (IPA) held on 27<sup>th</sup> October, 2014 and the recommendations of said sub-Committee were forwarded to the Ministry.**

**In the impugned order, this Court has not issued any direction to the respondents except to consider the representation submitted by the petitioner. Therefore, it is not appropriate for this Court to take a view that the respondents have willfully disobeyed the orders passed by this Court. If the petitioner is aggrieved, it can challenge the order passed by the first**

respondent in appropriate writ petition or other proceeding.

Accordingly, the contempt case is closed.

Miscellaneous petitions pending, if any, shall stand closed.

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JUSTICE R.KANTHA RAO

*02<sup>nd</sup> December, 2015*

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