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Cont.P.Nos.770 and 771 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On : 12.02.2020

Delivered On : 19.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Cont.P.Nos.770 & 771 of 2018 in
WP.Nos.34120 & 34121 of 2015 &
Sub Application (OS) Nos.466 & 467 of 2019

K.Arumugam

...Petitioner in Cont.P.No.770 of 2018
and in Sub Application No.466 of 2019

S.P.Karthikeyan

...Petitioner in Cont.P.No.771 of 2018
and in Sub Application No.467 of 2019

vs.

1.Vijaymohan K.Pillai,

The Director,

Central Electrochemical Research Institute (CECRI),

Karaikudi - 630 006.

2.Dr.Kalaiselvi,

Director,

Central Electrochemical Research Institute,

Karaikudi.

...Respondents in both
petitions/ both Sub Applications

(2nd respondent is impleaded pursuant
to the order dated 10.06.2019 of this Court
in Cont.P.Nos.770 and 771 of 2018)



Sub Application Nos.466 and 467 of 2019

To issue an interim injunction restraining the respondent institutions from initiating recovery proceedings against the Petitioners in W.P.Nos. 34120/15 and 34121 of 2015 pending disposal of the Cont.P.Nos 770 and 771 of 2018 by this Hon'ble Court.

Common Prayer: Contempt Petitions filed under Section 11 of Contempt of Courts Act, 1971 to punish the respondents for not complying with the common order dated 25.04.2017 in WP.Nos.34120 and 34121 of 2015.

For Petitioners : M/s.D.Nagasaila
(in both petitions) and in both Sub Applications

For Respondents : Dr.Adish C.Aggrawala,
(in both petitions) Senior Advocate
and in both
Sub Applications Jayesh K.Unnikrishnan
T.Ravikumar

COMMON ORDER

(Order of the Court was made by R.HEMALATHA, J.)

Briefly the facts are as narrated below:

A group of employees of Central Electrochemical Research Institute, Karaikudi holding technical posts pointed out the anomaly in their Grade Pay after the implementation of VI Pay Commission. Their grievance was that their counterparts in the administrative side who were hitherto treated at par were granted grade pay of Rs.4,600/- which was higher than those on the technical side.



The anomalies committee did not appreciate their grievance which constrained them to approach the Central Administrative Tribunal, Madras Bench. The Central Administrative Tribunal, Madras Bench in OA.Nos.890 and 891 of 2011 did not find any merit in their case leading to the dismissal of the Original Applications. Hence, the aggrieved employees approached this Court in WP.Nos.34120 of 2015 and 34121 of 2015. Both the Writ Petitions were allowed on 25.04.2017 with the specific directions that "the first respondent to fix the grade pay of the petitioners at Rs4,600/- in the Pay Band 2 with effect from the date on which similarly placed employees in the administrative branch were given the benefit of higher grade pay. Such exercise shall be completed, within a period of two months from the date of receipt of a copy of this order".

2. Both the present Contempt Petitions were against the 'wilful disobedience' on the part of the respondents to abide by the order, thereby committing contempt of Court.

3. Dr.Adish C.Aggrawala, learned senior counsel for the second respondent would contend that there has been 'no wilful disobedience' of the Court order. The second respondent was impleaded after the retirement of the first respondent. The first respondent who took voluntary retirement with effect from 01.03.2019



contended that two Review Petitions in 57 and 58 of 2017 were filed even before the filing of the contempt petition and that were disposed of only on 10.04.2019.

The Central Electrochemical Research Institute, Karaikudi being under the administrative control of Council of Scientific and Industrial Research, New Delhi, had to get the concurrence from the latter who opined for filing of a Special Leave Petition (Civil) Diary No.20493 of 2019 before the Hon'ble Supreme Court which was dismissed on the same day ie., 04.07.2019 with grant of 4 weeks for the implementation. The learned counsel for the second respondent has further contended that the approval for the revised grade pay was issued by the Council of Scientific and Industrial Research on 26.07.2019 and thereafter, the office memorandum was issued by the second respondent on 31.07.2019 well before the four weeks time granted by the Hon'ble Apex Court. According to the learned counsel for the second respondent, there was no wilful disobedience.

4. M/s.D.Nagasaila, learned counsel for the petitioners would contend that despite a clear cut direction from this Court in WP.Nos.34120 and 34121 of 2015, the slackness shown by the respondents 1 and 2 is to be deprecated and in itself proves the 'wilful disobedience' aspect.

5. The common compliance affidavit is dated 06.09.2019. The orders of this Court in WP.Nos.34120 and 34121 of 2015 were dated 25.04.2017 with the two months time limit expiring on 25.06.2017. That the Review Petitions were filed in



2017 itself much before the Contempt Petitions in 2018 is also a fact. Though Court's order has to be complied with immediately, such pending Review Petitions ought to have been specifically mentioned to the petitioners so that they would not have been kept in dark. However, the filing of Review Petitions before the Court and going on appeal to the Hon'ble Apex Court are all remedies available to the respondents and not much can be read into it except that the petitioners could have been informed. However, we do not see any 'wilful disobedience' on the part of the respondents except for the aforesaid observation. In view of these facts, we do not find any merit in the Contempt Petitions. The Contempt Petitions are closed. No costs. Consequently, the connection Sub Applications are also closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

mbi

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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Cont.P.Nos.770 and 771 of 2018

To

The Director,
Central Electrochemical Research Institute (CECRI),
Karaikudi - 630 006