

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP 237/2003
in
OA 1590/2002

New Delhi this the 8th day of October, 2009.

Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J)
Hon'ble Mr. Shailendra Pandey, Member (A)

Shri Ashok Kumar Sethi,
S/o Shri Ram Kishan Sethi,
Technical Grade-III,
Under Section Engineer (Elect)
Power Supply, Northern Railway,
New Delhi.

... Petitioner.

(By Advocate Shri Rajeev Aneja)

Versus

1. Shri R.K. Singh,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri V.K. Aggarwal,
Divisional Railway Manager,
Northern Railway,
D.R.M Office,
New Delhi.

... Respondents.

(By Advocates Shri V.S.R. Krishna and Shri Rajinder Khatter)

O R D E R

M. Ramachandran, Vice Chairman (J).

Contempt case has been filed on a plea that the order of the Tribunal passed on 25.02.2003 has not been complied with. The Tribunal had directed that 5 years, 5 months and 18 days, in respect of the applicant is to be reckoned as service and he should be appropriately fixed in the pay scale and should be given arrears

of of pay from 01.01.1996.

2. The proceedings had been adjourned sine die in view of the circumstance that a writ petition filed against the order (CWC 4522/2003) was pending before the Delhi High Court. The writ petition had been dismissed and the application had been revived.

3. On behalf of the respondents, a statement has been filed showing that the orders have been implemented and the increments have been made available to the applicant. This claim is disputed by the applicant, pointing out that fixation as has been shown in the order, did not really take notice of the impact of the directions of the Tribunal as affirmed by the judgment of the High Court.


4. However, Mr. Krishna appearing on behalf of the respondents, has explained the circumstances and points out that due increments as admissible by the order of the Tribunal have been given.

5. Going through the submissions, we are of the opinion that there can be no further cause for complaint for the applicant. In fact, we feel that he has received more benefits than he could have aspired for. The contempt jurisdiction is a matter, as between the contemner and the Tribunal. The jurisdiction is to ensure that the majesty of law is maintained, and there is no effort to overreach the authority of the court. Even if the orders passed in a particular case were unnecessarily expansive, at least while implementing the orders we have to take note of the statutory Rules. Law might be blind, but that may not lead to a situation that unjust claims always are to be supported. An executing court

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is prohibited to go behind a decree, but such shackles are not there while considering a contempt application.

6. We may at least now note that, perhaps on an interpretation of Rule 1320 of IREM Vol.2 it might not have resulted in a position where claim required to be sanctioned. The applicant had only temporary status, and that was not equivalent to a situation that he was having lien on a post. Rule 1320 requires grant of increments for duty rendered in a post. Rule further explains that even if he is on officiation or deputation, increments will be admissible, ^{but} ~~if~~ only where the employee has a lien on the post. Such being not the position, as a temporary employee, he might not have been rightfully entitled to claim the relief of increments, though orders had been given in his favour and later on it was affirmed by the High Court. We feel that the applicant has received his share of benefits and is far above his colleagues. We feel that it will be far too much to further strain the public exchequer in any case. In the circumstances, application is dismissed. Notices issued are discharged.


(Shailendra Pandey)
Member (A)


(M. Ramachandran)
Vice Chairman (J)

‘SRD’