

90

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**C.P.No.131/2005 in  
O.A.No.1182/2001  
M.A.No.678/2005**

Hon'ble Mr.Justice V.K. Bali, Chairman  
Hon'ble Mr.L.K. Joshi, Vice Chairman(A)

New Delhi, this the 09th day of July, 2007

Khairati Lal,  
H-78/IA,Mandir Marg,  
Gali No.5, Shakarpur,  
Delhi-92

....Applicant

(Appeared in person)

**Versus**

1. Shri R.K. Singh,  
Chairman,  
Railway Board.  
New Delhi
2. Shri R.R. Jaruhar,  
General Manager,  
Northern Railway,  
Baroda House, New Delhi

....Respondents

(By Advocate: Shri V.S.R. Krishna and Shri R.L. Dhawan)

**O R D E R (ORAL)**

**Justice V.K. Bali, Chairman**

The operative part of the order non-compliance of which has been alleged in the present Contempt Petition reads as under:

“8. Having regard to the reasons recorded and discussion made above, this OA is allowed quashing and setting aside order dated 12/22.9.2000 and also quashing dated 10.3.99 to the extent that the claim of the applicant for consideration in the higher rank from the date his junior has been promoted along with consequential benefits has been rejected by the respondents. Respondents are directed to accord ad hoc promotion to the applicant in the senior scale from the date his juniors have been promoted along with consequential benefits. Respondents are further directed to implement the above order within a period of two months from the date of communication of these orders. No costs.”

2. Pursuant to the notice issued in the contempt matter, respondents have entered appearance and filed their reply. Along with the reply, a copy of the order dated 22.05.2007 has been attached, which according to the respondents, would fully meet the directions issued by the Tribunal reproduced

above. The order aforesaid captioned 'NOTICE' reads as follows:

"Consequent upon implementation of Hon'ble CAT/NDLS's judgment dated 8.8.2002 in OA No.1182/2001 and Hon'ble High Court, Delhi's judgment in WPC 8045/2002 and CM 13699/2002 dated 12.2.2007 in the case of Shri Khairati Lal, retired SPO/NR, the competent authority has approved to promote Shri Khairati Lal, retired SPO to Sr. Scale on adhoc basis notionally from the date of promotion of his junior Shri Sita Ram i.e. w.e.f. 12.7.94 (as per position in the DPC held on 1.7.94), subject to outcome of review in CWP pending in High Court Delhi.

Shri Khairati Lal, is therefore, entitled for fixation of pay as SPO notionally from 12.7.94 and accordingly his settlement dues may be revised as per notional fixation within the stipulated period of implementation of the judgement immediately as the CCP is fixed for hearing on 29.5.2007 in Hon'ble CAT/NDLS."

3. When confronted with the question as to how the dues have been settled while promoting the applicant in the senior scale notionally from the date of promotion of his junior, learned counsel for the respondents in all fairness stated that it is a mistake which shall be corrected and in fact a cheque for the differential pay is ready with the respondents. Learned counsel for the respondents further states that if there will be a larger difference in the pay, the same shall be calculated and the payment shall be made to the applicant within six weeks from today.

4. In view of the above statement and the order dated 22.05.2007, we are of the view that the orders passed by this Tribunal have been complied with. The respondents will, however, work out the differential pay and make payment of the same to the applicant if it comes over and above the amount already calculated, within six weeks from today. The present Contempt Petition is disposed off leaving it open to the applicant to challenge the order dated 22.05.2007 if his grievance still survives. Rule against the respondents is discharged.

J.L.Joshi  
( L.K. Joshi )

Vice Chairman(A)

V.K.Bali  
( V.K. Bali )  
Chairman