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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.NO.451/2002
IN
O.A.NO.824/2001

Friday, this the 3rd day of January, 2003

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. Govindan S. Tampli, Member (A)

Shri Amin Chand
T.No.2842 Instrument Mech. (Elect.)
working in 510 Army Base Workshop, Meerut Cantt.
...Petitioner
(None for petitioner even on the second call)

Versus

1. Lt. Gen. S.K.Jain, PVSM
Director General EME
Army Hqrs. DHQ PO New Delhi
2. Bregadier M.P. Singh
Comdt. 510 Army Base Workshop
Meerut Cantt.

. . . Respondents

(By Advocate: Mrs. Sumedha Sharma, Learned proxy
counsel for Mr. Madhav Panikar, Learned
counsel)

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan:-

Learned proxy counsel for respondents submits
that the respondents have filed an affidavit in
compliance of Tribunal's order and also that nothing
further survives in the CP.

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2. The Tribunal, by order dated 25.2.2002, had given certain directions in OA-824/2001 for consideration of petitioner's case for grant of financial upgradation under the ACP Scheme and to examine the case, and pass a detailed, speaking and reasoned order in accordance with the rules.
3. At this stage, Shri Atul Kumar, learned counsel for petitioner has come and he has been heard.

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4. We note from Annexure A-1 letter issued by the respondents dated 18.11.2002 that in compliance of the order of the Tribunal in OA-824/2001, they have passed a speaking order. Learned counsel for petitioner contends that by this order, he has not been given the financial upgradation. However, that cannot be held to mean that the respondents have contumaciously or wilfully disobeyed the Tribunal's order to justify continuing with the CP.

5. Learned counsel for petitioner has submitted that with respect to the direction contained in para 8 of the Tribunal's order dated 25.2.2002, the respondents have yet not paid the due amount. However, we note from para 6 of the reply of the respondents that necessary action has been taken by the respondents and the arrears will be paid to the petitioner together with pay and allowances. Learned proxy counsel for respondents submits that on 2.1.2003, the petitioner has been informed to collect the necessary amount. Accordingly, the petitioner may collect the due amount from the respondents' office on any working day in accordance with Rules. 13

6. In the facts and circumstances of the case, we find no good grounds to justify continuing with CP. Accordingly, CP-451/2002 is dismissed. Notices issued to alleged contemnors are discharged. File be consigned to record room.

Govindan S.Tampi
Member (A)

sunil/

Lakshmi Swaminathan
(Mrs.Lakshmi Swaminathan)
Vice Chairman (J)