

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 207/2001 in  
OA 2385/1999

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New Delhi this the 10th day of September, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Shri Virendra Kumar  
S/O Shri Balbir Singh,  
D-23, Ekta Vihar,  
Sector-25, CBD Belapur,  
Navi Mumbai.

.. Petitioner

(By Advocate Shri A.K. Behera )

VERSUS

1. Shri Ashoke Joshi,  
Secretary, Ministry of Road  
Transport and Highways,  
1, Parliament Street, New Delhi.

2. Shri S.C. Sharma,  
Director General (Road Development),  
Ministry of Road Transport & Highways,  
1, Parliament Street, New Delhi.

.. Respondents

(By learned proxy counsel Shri  
Shri R.N. Singh )

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

The main contention of Shri A.K. Behera, learned counsel is that the respondents have failed to give the petitioner the consequential benefits as ordered by the Tribunal by its order dated 1.8.2000 in OA 2385/1999 i.e. monetary benefits of the higher post as Executive Engineer (Ex. Engg.) w.e.f. 9.2.1999. Learned counsel has submitted that reliance has been placed by the respondents on certain executive instructions in particular, Paragraph 18.4.3 of the DOP&T O.M. dated 10.4.1989 which are against the orders of the Tribunal, which can only be read to mean monetary benefits to the applicant as Ex. Engg. w.e.f. 9.2.1999.

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2. On the other hand, Shri R.N.Singh, learned proxy counsel for the respondents has submitted that as the consequential benefits in the matter of pay fixation have been regulated in accordance with the aforesaid Paragraph of the DOP&T OM dated 10.4.1989, there is nothing wrong in the order. He has submitted that apart from the promotion order promoting the applicant as Ex.Engg. w.e.f. 9.2.1999, the monetary benefits as due to him read with the relevant rules and instructions have been given to the applicant as per the Office order dated 3.1.2001.

3. We are unable to agree with the contention of Shri A.K.Behera, learned counsel, that in the above facts and circumstances of the case there is contumacious or wilful disobedience of the Tribunal's order by the respondents to justify further action to be taken against them for punishing them under the Contempt of Courts Act, 1971, read with Section 17 of the Administrative Tribunals Act, 1985. It is settled law that when two views are <sup>possible</sup> ~~different~~, it is not in the fitness of things to proceed in <sup>the</sup> ~~the~~ Contempt proceedings against the alleged contemnors. In this case, the respondents have relied on the Govt. of DOP&T OM dated 10.4.1989 to govern the method of re-fixation of applicant's pay and allowances consequent on his promotion as Ex.Engg. w.e.f. 9.2.1999.

4. In the above facts and circumstances of the case, following the judgement of the Hon'ble Supreme Court in J.S.Parihar Vs. Ganpat Duggar and Ors (JT 1996(9)SC 611), as no further directions can be given in Contempt Petition, CP 207/2001 is dismissed. Notices to the alleged contemnors are discharged. File be consigned to the record room.

(Govindan S. Tampi  
Member (A)

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan )  
Vice Chairman(J)\_

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