

06.12.2000

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MA.2722/2000 in
CP.263/2000 in
OA.1916/99

Present: Applicant in person
Shri Ajesh Luthra, counsel for
respondents.

Learned counsel for the respondents
submits that he is filing his counter to the MA
and has handed over a copy to the applicant in
the court.

2. The petitioner has filed MA.No.2722/2000
wherein he has prayed that C.P.263/2000 may be
revived or alternatively the respondents be
directed to release the arrears of pay of
Rs.33,891/- immediately for the period from
1.1.1996 to 30.6.1999 along with interest thereon
18% from 1.7.1999 to the actual date of payment.

3. Respondents have opposed the prayer of
the petitioner and in reply to the MA it is
stated that the C.P. cannot be revived.

4. We have heard the learned counsel for the
respondents and the petitioner who appeared in
person.

5. From a perusal of the records, we find
that the OA in question (OA.1916/99 filed by the
present petitioner) was disposed of vide order
dated 19.5.2000 along with OA.2011/99 since the
petitioners in both the said OAs had common



grievances and the relief granted to both the petitioners was also similar. Since the respondents have not complied with the order of the Tribunal, the petitioners filed separate Contempt Petitions being C.P.231/2000 by M.P.Sharma and C.P.263/2000 by Man Mohan Sharma (petitioner herein) which were disposed of vide separate orders, i.e. 27.9.2000 and 27.7.2000 respectively. In the order dated 27.9.2000 passed in C.P.231/2000 filed by M.P.Sharma, it has been recorded that the learned counsel for the respondents had handed over a Cheque to the learned counsel for the petitioner towards the arrears that had to be paid by them, and the contempt proceedings were dropped. But somehow in the C.P. filed by the petitioner herein, the contempt proceedings were dropped with the observation that the only direction given was to fix the pay. The order on the C.P. however is silent about the payment of arrears. However, in the other order passed in CP.231/2000 it is stated that a Cheque towards the arrears that had to be paid to the petitioner was handed over.

6. We have seen the aforesaid two OAs and therein also the petitioners have prayed for payment of arrears as well. Besides that, we also note that the petitioner had a grievance regarding proper fixation of pay and he is still in service. The respondents have now

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properly fixed his pay in compliance with the direction of the Tribunal. We fail to understand as to how the respondents, as a model employer, did not pay the arrears particularly when the order did not say that the pay is to be fixed only notionally and no clarification in this regard was sought either. And if at all any clarification is required in this regard, we direct the respondents to fix the pay of the applicant properly and pay to him the arrears within a period of four weeks from the date of receipt of a copy of this order.

7. MA is disposed of accordingly. No costs.

(M.P.Singh)
Member(A)

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(Kuldip Singh)
Member(J)