

Central Administrative Tribunal  
Principal Bench

C.P. No. 158 of 2000  
in

O.A. No. 2345 of 1995

24

New Delhi, dated this the 2<sup>nd</sup> January, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

In the matter of

Shri D.S. Bhasin & Anr. Vs. Union of India & Ors.

Shri D.S. Bhasin ... Petitioner

(By Advocate: Shri S.K. Sawhney)

Versus

Shri S.P. Mehta,  
General Manager,  
Northern Railway & Others ... Contemnors

(By Advocate: Shri R.L. Dhawan)

ORDER

S.R. ADIGE, VC (A)

Heard both sides on C.P. No. 158/2000  
alleging contumacious non-implementation of the  
Tribunal's order dated 25.10.99 in O.A. No.  
2345/95.

2. By the aforesaid order dated 25.10.99,  
O.A. No. 2387/95 as well as O.A. No. 2345/95 were  
disposed of as the issue involved in both O.As was  
the same. While O.A. No. 2387/95 was allowed with  
all consequential benefits, O.A. No. 2345/95 was  
also allowed. In O.A. No. 2345/95 specifically the  
claim of applicants that they should be allowed to  
regain the seniority vis-a-vis reserved category  
employees as determined at the time of their initial  
appointment as Goods Clerk, and their prior claim for

consideration to the post of Goods Supervisor was granted.

3. No time limit was set in the aforesaid order dated 25.10.99 for implementation.

4. Pursuant to the aforesaid order dated 25.10.99, the provisional seniority list of Goods Supervisor has been recast vide Circular dated 19.10.2000 (Annexure R-1) and applicants have been given proforma promotion as Goods Supervisors vide Notice dated 20.11.2000 (Annexure R-2) w.e.f. 1.1.98 i.e. the date of promotion of their junior SC/ST candidates without payment of arrears for the period 1.1.96 to 8.10.98.

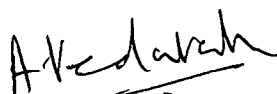
5. Applicants' counsel Shri Sawhney has stoutly contended that non-payment of arrears constitutes contempt of the Tribunal's order dated 25.10.99 and relies upon 1991 (1) ATJ 525 and 1992 (1) SLJ 484.

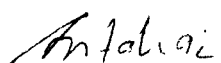
6. On the other hand respondents' counsel Shri R.L. Dhawan has contended that the Tribunal's order dated 25.10.99 has been fully complied with, and applicants are not entitled to arrears. In this connection he relies upon Rule 228 IREM Vol. I and 1990 (3) SCC 432.

26

7. There was no specific direction in O.A. No. 2345/95 for payment of arrears, and whether arrears are admissible or not cannot be adjudicated in a C.P. Following the Hon'ble Supreme Court's ruling in J.S. Parihar Vs. G. Duggar & Others JT 1996 (9) SC 608, respondents' notice dated 20.11.2000 gives applicants a fresh cause of action, which applicants may impugn separately through appropriate original proceedings in accordance with law, if so advised.

8. Giving leave to applicants as aforesaid, the C.P. is dropped. Notices discharged.

  
(Dr. A. Vedavalli)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

'gk'