

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 201/2000

in

C.P. NO. 263/1998

in

O.A. NO. 1898/1995

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New Delhi this the 1st day of December, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

1. Mukesh Kumar S/O Radhey Shyam

2. Satish Kumar S/O Amar Nath

Both working as Fitter Gr.II,
under Chief Workshop Manager,
Signal Workshop, Northern Railway,
Ghaziabad.

... Applicants

(By Shri B.S.Maine, Advocate)

-versus-

1. Shri S.P.Mehta,
General Manager,
Northern Railway,
Baroda House, New Delhi.

2. Shri Raj Kumar,
Chief Signal & Telecommunication Engineer,
Northern Railway, Baroda House,
New Delhi.

3. Shri Gurdayal Singh,
Chief Workshop Manager,
Northern Railway, Signal Workshop,
Ghaziabad.

... Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Non-observance of an order passed by the
Tribunal on 11.8.1997 in OA No.1898/95 is made the
basis of the present contempt petition. By the order
following directions have been ~~made~~ given.

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"6. In the facts and circumstances of the case, since the screening has already been completed and the applicants have been declared successful, they are entitled for regularisation of their service from the date their juniors have been regularised and to be given promotion, if found otherwise suitable, from the dates their juniors got the promotion, with consequential benefits in accordance with law. These directions shall be complied with by the respondents within three months from the date of receipt of a copy of this judgment."

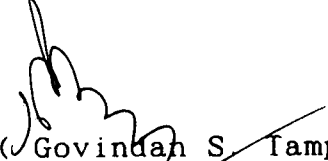
2. In the aforesaid OA No.1898/95 there were three applicants. One of them, namely, Mukesh Kumar (applicant No.1 herein), had earlier instituted C.P. No.263/98. By an order of 24.2.1999 aforesaid contempt petition was dismissed by holding that directions contained in the order passed in the OA had been fully complied with. Applicant Mukesh Kumar and another applicant in the OA, namely, Satish Kumar, have now instituted the present contempt petition. According to them, though they have been duly promoted, they have not been granted the difference of pay from the date of their promotion. As far as aforesaid claim for difference of pay is concerned, emphasis is provided on the phrase, "with consequential benefits in accordance with law" which finds place in the order passed in the OA. The claim now made, in our view, does not follow from the aforesaid order. Consequential benefits which are directed to be given are those which are in accordance with law. In terms of para 228 of the Indian Railway Establishment Manual Volume-I applicants would not be entitled to the pay of the promotional post till they

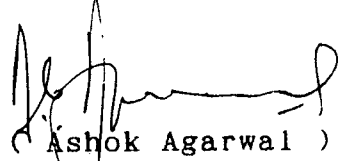
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actually shoulder the responsibility of the said post.
Thus, the said relief, in our view, does not follow
from the aforesaid order passed in the OA.

3. Present contempt petition, in the
circumstances, is dismissed. No costs.


(Govindan S. Tampi)
Member (A)


(Ashok Agarwal)
Chairman

/as/