

(22)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P.No. 360/2000

IN

OA No. 917/95

New Delhi: this the 15th day of February, 2001.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Onkar Nath,
S/o Shri Kedar Nath
Mason.

2. Sh. David,
S/o Sh. Soni, Mason,

3. Shri Kailash,
S/o Shri Ram, Saran,
White Washer.

4. Shankar S/o Shri Ram Dhani,
White Washer,

5. Sohan Lal,
S/o Shri Anand, Mason,

6. Nanak Chand,
S/o Shri Nathu Ram,
White Washer.

7. Gian Chand, S/o Shri Tulsi Das,
painter (retd.)
180-A, Basant Road, Pahar Ganj,
New Delhi.

8. Jagroop,
S/o Shri Jagan Nath,
Painter,

(Except Shri Gian Chand, all are working under
IDW, Northern Railway, Paharganj, New Delhi.)

....Petitioners.

(By Advocate: Shri B.S. Mainee).

Versus

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

2. Shri Vinod Sharma,
Divl. Railway Manager,
Northern Railway,
New Delhi.

3. Shri R.K. Verma,
Asstt. Engineer (Estate),
Northern Railway, DRM Office,
State Entry Road,
New Delhi.

Contemndts/ Respondents.

(By Advocate: Shri B.S. Jain)

ORDER

23

S.R. Adige, VC(A):

Heard both sides on C.P.No.360/2000 alleging contumacious non-compliance of the Tribunal's order dated 30.8.99 in OA No.917/95.

2. By those orders, respondents were directed to consider applicants for promotion in Gr.II as per their seniority, and if they had passed the requisite trade test to grant them promotion with effect from the same date their juniors were promoted, with all consequential benefits.

3. Pursuant to the above, it is not denied that applicants No.1, 2 and 3 have been trade tested and were promoted to Gr.II w.e.f. 14.11.2000, and their pay has been fixed on proforma basis with effect from the date their juniors have been so promoted without payment of arrears. As regards applicants 4, 5 and 6, respondents have stated in their reply that they are White Washers, and none junior to them has been promoted. As regards applicant No.7 it is stated that he has superannuated on 31.3.97 and hence the question of putting him to trade test does not arise. As regards applicant No.8, it is stated that he has also been promoted to Gr.II from the date his junior was so promoted, and his pay has been fixed on proforma basis without payment of arrears.

4. Applicants' counsel Shri Mainee asserts that the direction to grant consequential benefits includes payment of arrears in respect of applicants No.1, 2, 3 and 8. In regard to applicants No.4, 5 and 6 he denies that none junior to them have been promoted, and in respect of applicant No.7 he asserts that he should be considered

2A

for promotion with consequential benefits including arrears without requiring him to pass trade test.

5. These contentions are challenged by respondents, who contend that their actions are fully consistent with the Tribunal's directions with the relevant rules and instructions on the subject.

6. These contentions go far beyond the specific directions given in the Tribunal's order dated 30.8.99, and cannot be made a ground to initiate contempt proceedings against respondents.

7. If applicants are aggrieved by the action taken by respondents pursuant to the Tribunal's order dated 30.8.99 it is open to them to challenge the same separately through appropriate original proceedings in accordance with law, if so advised.

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

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

/ug/