

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 142/1998

in

O.A. NO. 2184/1995

(19)

New Delhi this the 28th day of April, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

G. L. Gupta S/O Madan Lal Gupta,
R/O 268-A, Railway Colony,
Rewari (Haryana).

... Applicant

(By Shri Yogesh Sharma, Advocate)

-Versus-

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

... Respondent

O R D E R (ORAL)

Shri Justice K. M. Agarwal -

Heard the learned counsel for the applicant on admission.

2. In OA No: 2184/95, two directions were given. The first direction was to make the payment of officiating allowance to the applicant for the period he was looking after the duties of the post of Head Master till the post was regularly filled up. We understand that the effect of the direction was to pay to the applicant officiating allowance for the period he officiated in the post. Otherwise, there would have been no further direction to consider his case for promotion on temporary or ad hoc basis to the post of Head Master. It appears and it is also not

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disputed. that this part of the direction was carried out by the respondents. The order passed by the respondents on 22.9.1997 in this regard has been filed as Annexure P-3 along with the application for contempt.

3. The next direction was for considering the applicant for promotion to the said post on a temporary or ad hoc basis till the regular incumbent was appointed in accordance with rules. The learned counsel submits that this direction has not been carried out by the respondents and, therefore, this application for contempt has been filed.

4. Ordinarily, we would have issued notice against the respondents in this case. However, since the respondents were not obliged to intimate in writing as to what was the result of consideration of his case for temporary or ad hoc promotion to the post of Head Master, if after considering, it was not decided to promote him. If favourably considered, the respondents would have definitely intimated the applicant.

5. The other fact is that the first direction for considering the advisability of payment of officiating allowance to the applicant was favourably considered and accordingly payment made. At the same time it also appears from the order passed that he was placed in the higher grade of Rs.1640-2900 from his initial grade of Rs.1400-2600 w.e.f. 1.1.1990.

Jm

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6. Under these circumstances and in view of the provisions of Section 13 of the Contempt of Courts Act we are of the view that no case is made out for taking cognisance of the contempt alleged. Accordingly, the application for contempt is dismissed.

Km

(K. M. Agarwal)
Chairman

Rkooja

(R. K. Anooja)
Member (A)

/as/