

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 133/2001
IN
OA 1066/1997

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New Delhi, this the 31st day of July, 2001

Hon'ble Shri Govindan S. Tampi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri Mohan Lal Popli
S/o Shri Ghalu Ram
Retd. Chief Draftsman
Divisional Rly. Manager's Office
Western Railway
Kota (Rajasthan)
R/o 98, Rail Vihar
Sector-33
NOIDA - (Ghaziabad)

...Petitioner

(By Advocate Ms. Meenu Mainee)

V E R S U S

1. Shri Vasudev Gupta
General Manager
Western Railway
Mumbai.

2. Shri R.P. Rehan
Divisional Railway Manager
Western Railway, Kota

...Respondents

(By Advocate Mrs. Meera Chibber)

O R D E R (ORAL)

By Hon'ble Shri Govindan S. Tampi,

1. Heard Ms. Meenu Mainee, counsel for the applicant/petitioner and Mrs. Meera Chibber, counsel for the respondents.

2. CP 133/2001 has been filed by the applicant alleging non-implementation of the order dated 8-8-2000 passed in OA 1066/97. The relevant portion of the order states as below :-

"In the above circumstances, the OA succeeds. We direct the respondents to step up the pay of the applicant at par with Shri Rehani from the date Shri Jag Mohan Singh was given the benefit of stepping up of his pay, with all consequential benefits. The OA is accordingly allowed. No costs."

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3. The compliance report dated 16-7-2001 by the respondents stating that they had filed a writ petition against the order dated 8-8-2000, which was dismissed on 10-4-2001 and thereafter the order was issued on 21-5-2001 whereby applicant's pay has been stepped up with Shri S.D.Rehani. Since the applicant had superannuated long back in 1993 itself, the copy of the order has also been sent to his address for payment of due arrears. They also furnished a copy of the order so issued.

4. Ms. Meenu Mainee, learned counsel for the applicant/petitioner, who was ^{also} present in the Court, filed a letter stating that the applicant was shocked to find that Hon'ble Tribunal's order has not been implemented and that the arrears of pay, DA and leave encashment had not been calculated and not shown in the summary. He was, therefore, not satisfied with the order passed by the respondents, and his view is very strongly endorsed by Ms. Meenu Mainee, learned counsel for the applicant. On the other hand Mrs. Meera Chibber, learned counsel for the respondents indicated that the respondents have done the needful and nothing further remained to be done.

5. After perusing the Tribunal's order dated 8-8-2000 and respondents' compliance report dt. 16-7-2001 including their order dated 21-5-2001 and applicant's letter filed today, we observe that the Tribunal had specifically passed the order that the respondents shall step up the pay of the applicant at par with Shri Rehani from the date Shri Jag Mohan Singh was given the benefits with all consequential

benefits, and that the said directions has been carried out by the respondents. They have also annexed the relevant worksheet. According to the applicant there are a few aspects, , which have not been correctly calculated and there may be some difference in to the emoluments, which he was entitled to and not yet paid.

6. We do not, in the circumstances, find that there has been any deliberate or contumacious dis-obedience of the Tribunal's order dated 8-8-2000 by the respondents. Nothing survives in the Contempt Petition. However, we would advise the applicant/petitioner to file another representation to the respondents indicating his differences with the contents of the compliance report with his supporting evidence within a month from the date of receipt of this order; and the respondents shall thereafter consider them and do the needful.

7. In view of the foregoing, CP 133/2001 in OA 1066/1997 is dismissed and notices issued to the alleged contemnors are discharged.

S. Raju

(Shanker Raju)
Member (J)

Gomindan S. Tamai
(Gomindan S. Tamai)
Member (A)

/vikas/