

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 88/2001 in
OA 390/1996

New Delhi this the 5th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

1. Shri R.P. Shokhanda
S/O Shri Surat Singh,
Senior Investigator
(Ad-hoc Assistant Director)
Central Statistical Organisation,
Ministry of Statistics and
Programme Implementation, Sardar
Patel Bhawan, New Delhi-1
2. Shri Suraj Bhan,
S/O Shri Raghubir Singh,
Senior Investigator
(Ad-hoc Assistant Director),
Central Statistical Organisation
Ministry of Statistics and
Programme Implementation, Sardar
Patel Bhawan, New Delhi-1

(By Advocate Shri A.K. Behera)

... Petitioners

VERSUS

Shri K.V. Iriniraya
Secretary, Ministry of Statistics and
Programme Implementation and Director
General, Central Statistical Organisation,
Sardar Patel Bhawan, New Delhi-1

(By Advocate Shri H.K. Gangwani)

... Respondent

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

We have heard Shri A.K. Behera, learned counsel for the petitioners and Shri H.K. Gangwani, learned counsel for the respondents in CP 88/2001. We have also perused the relevant documents on record, which have specifically been pointed out by the learned counsel for the parties.

2. In terms of the Tribunal's order dated 29.8.2001,

learned counsel for the respondents has also gone through ~~the~~ additional affidavit filed by them to explain why the respondents have taken a decision not to give arrears of salary and allowances to the petitioners from the date of their regularisation in Grade IV (JTS) i.e. w.e.f. 1.10.1990. The only issue is with regard to the benefits of arrears of salary and allowances w.e.f. 1.10.1990. In other words, learned counsel for the petitioners has submitted that with regard to other directions of the Tribunal's order dated 16.2.2000, the respondents have implemented the directions excepting the arrears of salary and allowances w.e.f. 1.10.1990. In this regard, our attention has been drawn to the order dated 23.10.1992 issued by the respondents. By this order, two persons S/Shri B.B.Mathur and R.P.Agarwal who are admittedly juniors to the petitioners who have also been granted appointment as Assistant Directors, C.S.O.Grade IV (JTS) w.e.f. 1.10.1990, have been allowed payment of arrears of pay and allowances w.e.f. 1.10.1990. In the facts and circumstances of the case, we are not impressed by the arguments on behalf of respondents that seniors to these two persons, namely, the petitioners, could be denied the arrears of pay and allowances w.e.f. 1.10.1990. At the same time, we are also unable to agree with the contentions of Shri A.K.Behera, learned counsel for the petitioners that the respondents have willfully or contumaciously disobeyed the Tribunal's order dated 16.2.2000 calling for further action to be taken under the provisions of Contempt of Courts Act, 1971.

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3. For the reasons given above, further four weeks is granted to the respondents to pass necessary orders to modify their earlier orders dated 1.12.2000 and 22.3.2001 i.e. with regard to the claim of the petitioners for arrears of pay and allowances w.e.f. 1.10.1990, as consequential benefits on their regularisation/promotion in terms of the Tribunal's order dated 16.2.2002 read with their own order dated 23.10.1992.

4. Necessary orders together with due payments as ordered above shall be issued within four weeks from the date of receipt of a copy of this order.

5. In view of what has been stated above, we do not consider it necessary to take any further action with regard to CP. Accordingly, CP 88/2001 is disposed of. Notices issued to the alleged contemnor ^{is} ~~are~~ discharged. File to be consigned to the record room.

(Govindan S. Tampi),
Member (A)

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Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)