

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P. No.330/2000

in

O.A. NO.1600/1996

New Delhi this the 22nd day of November, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

1. V.K.Gandhi

2. Hari Dutt

Both working as Stenographers in  
DRM's Office, Northern Railway  
New Delhi.

... Applicants

( By Shri G.D.Bhandari, Advocate )

-versus-

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

2. Shri Vinod Sharma  
Divisional Railway Manager  
Northern Railway  
State Entry Road  
New Delhi.

3. Shri Sunil Sharma  
Sr. Divisional Personnel Officer  
Northern Railway  
State Entry Road  
New Delhi.

... Respondents

(By Advocate Shri R.P.Aggarwal)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Non-observance of the directions contained in the order passed by this Tribunal on 17.2.2000 in OA No.1600/1996 is made the basis of the present contempt petition. By the aforesaid order, following directions have been issued:-

"6. We are satisfied that the applicants' case does get covered by the aforesaid judgement cited by the applicants and therefore we allow the OA. We direct

the respondents to assign proper placement to the applicants in the seniority list dated 12.1.1995 after counting their services in the ad hoc appointment from the date they were appointed and grant them all consequential benefits. We do not order any costs."

Aforesaid directions, according to the respondents, have been complied with by issue of orders on 24.10.2000 at Annexure R-1 and 9.11.2000 at Annexure R-2. According to Shri G.D.Bhandari, the learned advocate appearing for the applicants in the present contempt petition, applicants have been given their due seniority as also promotion. However, they have been promoted with effect from 19.6.1989 and 2.9.1996 respectively on proforma basis and have been given actual promotion with effect from the date of shouldering higher responsibility. According to Shri Bhandari, the order has directed the respondents to grant the applicants all consequential benefits which would include payment of all monetary benefits has not been complied with. On the contrary, there has been a breach of the aforesaid direction in that all consequential benefits, namely monetary benefits, have not been granted to the applicants.

2. Shri R.P.Aggarwal, the learned advocate appearing on behalf of the respondents has, however, contended that the applicants have been granted all consequential benefits in terms of the order. They have been given their due promotions. As far as their pay scale is concerned, the same has been fixed in terms of Para 228 of the Indian Railway Establishment Manual, Vol.I. In the circumstances, no case is made out for initiating proceedings for contempt. He has placed reliance on a decision of the Supreme Court in

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the case of J.S.Parihar v. Ganpat Duggar and others,  
JT 1996 (9) SC 608 wherein it has been observed as  
under:-

"....it is seen that once there is an order passed by the Government on the basis of the directions issued by the Court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may not be in conformity with the direction. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order..."

3. Having regard to the aforesaid decision, we find that whether the applicants are entitled to consequential benefits including <sup>monetary benefits</sup> ~~backwages~~, will, if <sup>bring about</sup> ~~be~~ a fresh cause of action. The same cannot be decided in the present contempt petition.

4. Present contempt petition, in the circumstances, is dismissed. Notices issued on 12.9.2000 are hereby discharged. No costs.

S. A. T. Rizvi

(S.A.T.Rizvi)  
Member (A)

sns

Ashok Agarwal

(Ashok Agarwal)  
Chairman