

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P. No. 386/2000

(36)

IN

OA No. 1350/96

New Delhi: this the 22nd day of MAY, 2001

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

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

Dr. P. N. Bahl,
S/o Late Sh. Jai Kishan Bahl,
R/o A/9, Nirmal Vihar,
I.P. Extension,
Delhi-92

.....Applicant

(By Advocate: Shri A.C. Gulati, Sr. Counsel along with
Mrs. Asha Malhotra and Sh. S.K. Sinha)

Versus

Dr. R. S. Paroda,
Secretary (DARE) to
GOI,
Ministry of Agriculture,
Krishi Bhawan,
New Delhi.

2. Dr. R. S. Paroda,
Director General of ICAR,
Krishi Bhawan,
New Delhi

.....Respondents

(By Advocate: Dr. S. P. Sharma)

ORDER

S. R. Adige, VC (A):

Heard both sides on C.P. No. 386/2000.

2. Applicant had filed OA No. 1350/96 which was disposed of by the Tribunal by order dated 18.5.98 with certain directions.

3. In the background of these directions respondents have issued order dated 15.5.2000 with which applicant is aggrieved.

4. His main contention is that by the Tribunal's order dated 18.5.98 he had been held entitled to addl. remuneration under FR 49(1) for the period he was discharging the duties of DDG from 6.8.92 till the date

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of his superannuation on 31.3.93, but respondents have limited the benefits by making it subject of FR 35(2), which constitute contempt of Court.

5. The entitlement to the benefits under FR 49(1) in terms of the Tribunal's order dated 18.5.98 being made subject to the provisions of FR 35(2) does not per se make respondents' order dated 15.5.2000 contemptuous. Following the ruling in J.S.Parihar Vs. G.Duggar & Ors. JT 1996 (9) SC 608 the aforesaid order dated 15.5.2000 gives applicant a fresh cause of action which he can impugn separately in accordance with law, if so advised.

6. Giving applicant liberty as aforesaid, the CP is dropped. Notices discharged.

A Vedavalli

(DR. A. VEDAVALLI)
MEMBER (J)

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

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