

**Central Administrative Tribunal
Principal Bench: New Delhi**

CP No. 618.2001

in

OA No. 698/96

New Delhi this the 4th day of March 2002

Hon'ble Dr.A. Vedavalli, Member (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

A.A. Shiromany,
R/o 12/704, East End Apartments,
Mayur Vihar, Phase I,
Delhi-110 096.
(By Advocate: Shri K.C. Sharma)

Petitioner

Vs.

Shri Pawan Chopra,
Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan,
New Delhi-110001.
(By Advocate: Shri R.P. Aggarwal)

Respondents

ORDER (Oral)

Hon'ble Dr. A.Vedavalli, Member (J)

This CP has been filed by the applicant in OA No. 698/1996 alleging deliberate and wilful disobedience and contempt committed by the respondent with reference to the directions given by this Tribunal in the said OA by order dated 3.3.2000 (Annexure C-1). The operative portion of the said order is as under:

" In the result the OA succeeds and is allowed to the extent that seniority of applicant in CIS (now IIS) should be refixed after taking into account the service rendered by him in CWMG Project, Publication Division, Ministry of I&B, whereupon applicant's retiral benefits should be recalculated and paid to him along with arrears with effect from the date of his superannuation on 31.1.89 as expeditiously as possible and preferably within a period of 4 months from the date of receipt of a copy of this order. No costs."



29

2. Pursuant to the said order of this Tribunal, the respondents have passed an order dated 25.7.2000 (Annexure C-3)(ii) and another order dated 29.11.2000 (Annexure C-2). The respondents have filed their reply on 7.12.2001 stating that the Tribunal's order has been complied with fully. They have submitted inter alia that pay of the petitioner has been revised as per the revised orders of his promotion to the various grades in accordance with the relevant rules/instructions and that arrears consequent upon such revisions have already been paid to the applicant. The revised pension order also has been issued. However, the applicant is not satisfied with the said averment and has filed a rejoinder dated 15.2.2002. The applicant has annexed an order dated 20.8.2001 wherein a comparative statement of the applicant vis-a-vis his junior Shri R.K. Mathur was given. Learned counsel for the applicant states that pursuant to the said comparative statement nothing further has been done. Learned counsel for the applicant further submits that pursuant to the order dated 29.11.2000 his pay has still not been fixed vis-a-vis Shri R.K.Mathur, his junior.

3. The above contentions of the applicant have been denied by the respondents counsel who reiterated the stand of the respondents in their reply.

4. After hearing the learned counsel for both the parties and on a perusal of the contempt petition and all



20

the material papers and documents placed on record. We are of the view that the applicant in this CP has not been able to establish any contumacious, deliberate and wilful disobedience or non compliance of this Tribunal's order dated 3.3.2000 (supra).

5. If the applicant is aggrieved by the orders passed by the respondents dated 25.7.2000 (Annexure 3(i)) and the order dated 29.11.2000 (Annexure C-2), that will be a fresh cause of action and he may agitate the said orders, if so advised in accordance with law. We are supported in our view above by the decision of the Apex Court in J.S. Parihar Vs. Ganpat Duggar & Ors. (JT 1996(9) SC 608).

6. In the result, CP is dismissed. Noices are discharged.

(Govindan S. Tampi)
Member (A)

Mittal

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)