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Central Administrative Tribunal, Principal Bench

Contempt Petition No. 48 of 2002 in
Original Application No. 2423 of 2000

New Delhi, this the 1st day of February, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member(A)

Bhajan Lal, Sr. Accounts Officer
Now CAO(TR. Co-ordination)
O/o General Manager(TR), Khurshid Lal Bhawan,
(Inside Eastern Court Building)
Janpath Road, New Delhi

- Petitioner

(By Advocate: Shri Madan Mohan)

Versus

Ms. H. T. Sangkhumi
General Manager(Finance)
O/o Chief General Manager Telephones
MTNL, K. L. Bhawan, New Delhi

- Contemnor

O R D E R (ORAL)

By Mr. V. K. Majotra, Member(A)

Heard Shri Madan Mohan, learned counsel of the
petitioner.

2. By order dated 3.7.2001 in OA No. 2423/2000,
following directions were given to the respondents:

"The respondents are directed to consider
applicant's claim for local officiating
promotion from the date persons junior to
applicant were considered i.e. 31.7.1998
and various spells after every spell of 180
days when the applicant had joined under
respondents and was due to be considered
with all consequential benefits of arrears
of salary and allowances. However, no
interest shall be payable to the applicant.
The above direction shall be complied with
by the respondents within a period of two
months from the date of communication of
this order."

3. The learned counsel stated that whereas the
first part of the directions contained in the above order,
namely, grant of promotion has been complied with by the

respondents vide Annexure P-2 dated 29.8.2001, the respondents have not complied with the latter part of the directions i.e. consequential benefits of arrears of salary and allowances have not been paid to the applicant. In this connection, the learned counsel stated that according to applicant's information whereas the respondents have calculated the arrears of salary and allowances payable to the applicant amounting to approximately Rs.34,000/-, however, the same has not yet been paid because according to respondents, certain recoveries are due from the applicant. The learned counsel further stated that in the four or five LPCs issued from the places of previous postings of the applicant, different recoveries have been indicated and that is why the respondents are not in a position to finalise the applicant's case.

4. In our view, whereas no case has been made out for commission of contempt of court by the respondents, applicant is entitled to make a representation to the respondents to claim arrears of salary and allowances consequent upon his promotion. On receipt of this representation, the respondents shall pass a reasoned and speaking order thereon specifying as to what are the recoveries against the applicant and what remains to be payable to him regarding arrears of salary and allowances after adjusting the recoveries. Such orders should be passed by the respondents within a period of two months from the date of receipt of applicant's representation. Present contempt petition is disposed of in the aforesated

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terms. On remaining aggrieved, the applicant shall have liberty to take recourse of law in the court.

Issue DASTI.

V.K. Majotra

(V.K. Majotra)
Member(A)

/dkm/

Ashok Agarwal

(Ashok Agarwal)
Chairman