

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

**Contempt Petition No. 291/56/2019
in
(Original Application No. 291/575/2013)**

Date of Order: 07.09.2020

CORAM

HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER

Doongar Singh Rawat Son of Shri Ladu Singh Rawat, aged about 52 years, resident of Village & Post Kanakhedi, Via Sri Nagar, Ajmer. Last employed as Khallasi under Assistant Mechanical Engineer (P) (Establishment), North Western Railway, Ajmer Division, Ajmer.

...Petitioner / Applicant

(Shri C.B. Sharma, counsel for petitioner - through Video Conference)

Versus

1. Shri Anand Prakash, General Manager, North Western Zone, North Western Railway, Near Jawahar Circle, Jagatpura, Jaipur – 302006.
2. Shri Virendra Kumar, Chief Mechanical Engineer, North Western Zone, North Western Railway, Near Jawahar Circle, Jagatpura, Jaipur – 302006.
3. Shri Navin Kumar Parsuramka, Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.
4. Shri D. Balaji, Divisional Assistant Mechanical Engineer (Establishment), North Western Railway, Ajmer Division, Ajmer.

5. Shri N.K. Verma, Assistant Mechanical Engineer (P) (Establishment), North Western Railway, Ajmer Division, Ajmer.

...Non-Petitioners / Respondents

(Shri P.K. Sharma, counsel for respondents – through Video Conference)

ORDER (Oral)

Per: Hina P. Shah, Judicial Member

The present Contempt Petition has been filed by the petitioner for alleged non-compliance of the order dated 14.08.2019 passed by this Tribunal in O.A. No. 575/2013 by which the O.A. was allowed with following directions:-

“8. In the result, the instant OA succeeds and is hereby allowed. The respondents’ order of 05.09.2011, (Annexure A/2), and 19.07.2013, (Annexure A/1), are set aside and the applicant is ordered to be reinstated in service by the respondents within a period of one month from the date of receipt of a certified copy of this order. However, he would be entitled only to the notional benefits of such reinstatement and be entitled to the actual consequential benefits only from the date of reinstatement in service.”

2. The petitioner states that the order of this Tribunal has not been considered by the respondents so far in true sense as per the directions given by this Tribunal. The respondents are deliberately and intentionally flouting the order of this

Tribunal. Therefore, the respondents are liable to be punished for contempt of court.

3. The respondents vide their replies and Additional Affidavit submitted that they have highest regard to the orders and directions of this Tribunal and that they never intended to commit any wilful disobedience of any of the orders and directions given by this Tribunal. They further added that if this Tribunal ultimately reaches to a conclusion that any disobedience or contempt has been committed by the respondents, they tender their unconditional apology for the same.

4. The respondents stated that against the order of this Tribunal dated 14.08.2019, they had preferred a D.B. Civil Writ Petition No. 15577/2019 before the Hon'ble High Court of Rajasthan, Jaipur Bench, which was dismissed on 08.01.2020 as the Hon'ble High Court found no ground to interfere in the order of this Tribunal.

5. Thereafter, in compliance of the said directions of this Tribunal dated 14.08.2019, the respondents issued order dated 03.02.2020 (Annexure CPR/1) for reinstatement of the applicant in service and also directed the applicant for

medical examination in B-1 Category. The applicant gave his presence by letter dated 07.02.2020 (Annexure CPR/2). It is further submitted by the respondents that on reinstatement i.e. 13.02.2020 (Annexure CPR/3), the petitioner was fixed in Pay Band Level-1 at Rs. 18000/-. It is further clarified that as per the directions of this Tribunal, the petitioner was entitled only for notional benefits of such reinstatement and that he would be entitled to the actual consequential benefits only from the date of reinstatement in service. Accordingly, the respondents issued letter dated 24.04.2020 (Annexure CPR/4) giving actual benefits in pay fixation to the petitioner from the date of reinstatement. Also, it is further submitted that the matter of fixation of pay of the petitioner was again reviewed and finally amended pay fixation order in favour of the petitioner was issued from the date of his first appointment i.e. w.e.f. 29.04.2011 in pay scale of Rs. 4440– 7440 plus Grade Pay of Rs. 1300/- vide letter dated 14.08.2020 (Annexure CPR/5). The pay of the petitioner has been fixed at Rs. 20300/- in Level-1 for actual payment w.e.f. 14.02.2020 till 31.05.2020 i.e. the date of his retirement. The respondents stated that as per the directions issued by this Tribunal, they have acted with due diligence in complying the orders of this Tribunal.

6. Therefore, respondents stated that they have not flouted any orders of this Tribunal intentionally or deliberately as claimed in the present Contempt Petition. The directions of this Tribunal are complied with in its true spirit. Therefore, there is no question of any contempt and the present Contempt Petition deserves to be dismissed and notices are required to be discharged.

7. Heard learned counsels for the parties through Video Conference.

8. After considering the matter of alleged disobedience of the order of this Tribunal, we are of the view that the order of this Tribunal has been complied with by the respondents and we do not find wilful or deliberate disobedience on the part of the respondents. Pursuant to the directions issued by this Tribunal vide its order dated 14.08.2019, the respondents have passed order dated 13.02.2020 whereby the petitioner has been reinstated in service and vide letter dated 24.04.2020, the petitioner was given actual benefits of pay fixation and also order of re-fixation dated 14.08.2020 was passed whereby his pay was fixed at Rs. 20300/- for actual payment from 14.02.2020 till 31.05.2020 i.e. the date of his retirement.

9. In view of the above, we do not find any wilful or deliberate disobedience on the part of the respondents and the Contempt Petition is liable to be dismissed, which is, accordingly, dismissed. Notices issued are discharged.

(HINA P. SHAH)
JUDICIAL MEMBER

(DINESH SHARMA)
ADMINISTRATIVE MEMBER

Kumawat