

(20)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

CCP No.3/93 in
OA No.1159/86

Date of decision:22.3.93.

Sh.R.K.Sharma

.. Petitioner

versus

Sh.H.P.Wagle & Ors.

.. Respondents

CORAM: THE HON'BLE SH.V.S.MALIMATH, CHAIRMAN
THE HON'BLE SH.B.N.DHOUNDIYAL, MEMBER(A)

For the Petitioner

.. Sh.S.K.Gupta, counsel

For the Respondents

.. Sh.A.K.Sikri, Counsel.

ORDER(ORAL)

(PASSED BY HON'BLE SH.V.S.MALIMATH, CHAIRMAN)

The direction in the judgement of the Tribunal, the non-compliance of which is complained in this case, quashes the orders of the disciplinary authority, appellate authority and the revisional authority and directs consequential benefits being granted to the petitioner. The clear effect of this direction is to efface the orders made in the disciplinary proceedings and to direct the consequential benefits flowing from such effacement. Shri Sikri, the learned counsel for the respondents, submitted that on that basis all the arrears due to the petitioner, as if there were no disciplinary proceedings against him, have been computed and the amount is ready for being delivered to the petitioner. The petitioner can go any time and collect the cheque for arrears. There is no good ground why we should not accept the statement of the learned counsel for the respondents in this behalf.

2. It is, however, submitted by the learned counsel for the petitioner that petitioner's case for further promotion was not considered having regard to the orders made in the disciplinary proceedings and that, therefore, the petitioner is entitled to be considered for promotion ignoring the orders made in the disciplinary proceedings.

The respondents' counsel submits that that has also been done and the petitioner has been given proforma promotion except that he has been denied the arrears ^{deemed} of wages in the promotional post from the date of promotion till the actual date of promotion. Counsel for the petitioner submitted that this is not permissible having regard to the fact that the petitioner has been declared to be entitled to all consequential benefits. In this context, it is not possible to say that the promotion and the arrears to be paid for the promotional post become part of the expression 'consequential benefits' in the order passed in the main OA. Hence ^{we} would not be justified in taking action against the respondents for contempt on the ground that they were not justified in denying arrears of wages for the promotional post. We shall, however, observe that the grievance of the petitioner may be agitated in appropriate proceedings. With these observations, the proceedings in contempt are dropped in the light of the statement made by the learned counsel for the respondents. Notice of contempt discharged.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Member(A)

V.S. Malimath
(V.S. Malimath)
Chairman

SNS