

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

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CCP 73/90  
MP No.3015/90 in  
OA 165/88

Date of decision:15.04.93

Sh.M.S.Mathur

...

Petitioner

versus

Sh.S.M.Vaish  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi

Respondent

Coram: The Hon'ble Mr.Justice V.S.Malimath,Chairman

The Hon'ble Mr.B.N.Dhoundiyal,Member(A)

For the petitioner ..

In person.

For the respondent ..

Sh.K.K.Patel,Counsel.

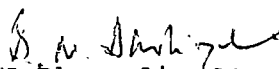
ORDER(ORAL)

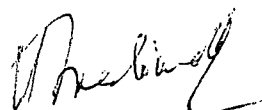
(By Hon'ble Mr.Justice V.S.Malimath,Chairman)

In the light of the directions in the judgement, this Tribunal had made certain orders in these proceedings to ensure due compliance. The last direction is contained in the order dated 15.12.92 wherein the Bench has directed that it should be ascertained if the petitioner was paid the salary of the post when he officiated in Class-II post of Assistant Hindi Officer with effect from 28.10.76 to 19.8.77 and again from 19.7.79 to 12.12.82. In regard to both these periods, the reply filed is that the salary has been paid to him and that the actual vouchers are not available as they stand destroyed in accordance with the rules and instructions of the Government. There is no good reason to disbelieve this statement made in the counter filed by the respondents. However, the petitioner, who argued his

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case in person, submitted that though the salary attached to the post has been paid to him for the period from 28.10.76 to 19.8.77, the same has not been paid to him for the second period from 19.7.79 to 12.12.82. We have already pointed out that there is enough material to show that the salary has been paid for the second spell as well. It is further submitted by Sh.Mathur that the revision of pay in the year 1984 and the benefit of refixation of pay consequent upon such revision has not been granted to him. We do not find any specific direction in the judgement in this behalf. There is no discussion about it either. The petitioner submits that there is a reference to this aspect of the matter in his Original Application to which the judgement refers. We are concerned with the discussion in the judgement and the main directions issued by the Tribunal. We are not required to go behind the directions in the judgement sitting as we are to enforce the said order in the contempt of court proceedings. We cannot, therefore, go behind the judgement of the Tribunal to see why the petitioner has not been given the benefit of the revision of pay which he says became available to him. In these circumstances, we do not find any scope for taking action under the Contempt of Court Act. As the directions in the judgement have been complied with, these proceedings are dropped.

  
(B.N.Dharmadiyal)  
Member.

  
(V.S.Malimath)  
Chairman