

10

DECIDED ON : 9.4.1992

vs.

... Respondents

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

For the Respondents - Shri P. S. Mahendru, Counsel

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

The complaint in this case is about non-implementation of the interim order granted by the Tribunal. The petitioner was reverted from the post which he was holding on ad-hoc basis by the order dated 19.8.1991. As this order was in contravention of the interim order granted by the Tribunal, the petitioner moved the Tribunal for taking action under the Contempt of Courts Act. After notice was served on the respondents, they retraced their steps and made an order on 2.1.1992 putting back the petitioner to work as Clerk on ad-hoc basis in the grade of Rs.950-1500 in the Engineering Branch against workcharge post on which he was earlier working. But this order did not convey that it has retrospective effect from the date on which the reversion was brought about by order dated 19.8.1991. For that purpose we granted time to the respondents to file further pleadings or modified order. In spite of enough time having been granted, no further pleadings or

modified order has been produced before us till this date. We do not consider it just and proper to prolong this matter any further.

2. In view of the order made by the Tribunal, it is obvious that the respondents should^{not} have reverted the petitioner by order dated 19.8.1991. Though the petitioner has been taken back as a Clerk on ad-hoc basis in pursuance of the order dated 2.1.1992, it is asserted by the petitioner that no emoluments have been paid to him for the post of Clerk which he was entitled to hold on ad-hoc basis from 19.8.1991 till the date that position was restored by subsequent order dated 2.1.1992. In view of the order made by the Tribunal the petitioner is entitled to be paid emoluments for the post of Clerk which he must deemed to have held on ad-hoc basis without it being interrupted by the order dated 19.8.1991.

3. Hence we direct the respondents to pay to the petitioner the emoluments for the post of Clerk for the period he was reverted in pursuance of the order dated 19.8.1991 till he was taken back as Clerk in pursuance of the order dated 2.1.1992 within a period of one month from the date of receipt of this order. If the said amount is not paid within the stipulated period, the same shall be paid with interest at the rate of 12 per cent per annum from this date till payment.

Let a copy of this order be furnished to the learned counsel for the respondents.

(P. C. Jain)
(P. C. JAIN)
MEMBER (A)

(V. S. Malimath)
(V. S. MALIMATH)
CHAIRMAN