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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

CP-217/95  
OA-2582/89

Date of decision 12.10.1995

Hon'ble Shri N.V.Krishnan, Acting Chairman  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Harivansh Prasad Tewari  
S/o Shri N.P.Tiwari,  
Night Watchman,  
O/D the Dy. Chief Controller of Explosive,  
Govt. of India, Explosive Department,  
North Circle, Agra, UP

... Applicant

(By Advocate Shri Shiv Sagar Tiwari )

Vs.

1. Union of India through  
Secretary, Ministry of Industries,  
Govt. of India, Central Sectt., New Delhi  
through

Shri Ram Prakash,  
Dy. Chief Controller of Explosives,  
Govt. of India, Deptt. of Explosives,  
North Circle, Agra (U.P.)

... Respondents

ORDER (ORAL)

(Hon'ble Shri N.V. Krishnan, Acting Chairman )

We have heard him. Contempt is alleged against the para 6 of the order dated 6.12.1994. Admittedly, the payment has been made upto 20.2.1990. Applicant is aggrieved on two grounds. He states that the computation of overtime is wrong. He further states that he should have been paid overtime for the period much beyond 20-2-1990 as he is still working. We have heard him. These do not amount to a contempt. If the applicant is aggrieved by the rate of overtime, it is open to him to challenge it in a separate O.A. Earlier order did not indicate specific amount at which overtime should be calculated. It only indicated that it should be at the prescribed rate.

2. Likewise, earlier order directed that the DTA should be paid till the applicant continues to

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perform such hours of duty in excess of 9 hours in a day or 48 hours in a week. He was eligible to get OTA. The question as to the period upto which it was payable was not determined by the court. Therefore, the question of contempt does not lie if it is restricted to 20.2.90.

3. In the circumstances, Contempt petition is dismissed. It is open to the petitioner to challenge the orders passed in separate proceeding.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)

Member (J)

*N.V. Krishnan*  
12.10.85  
(N.V. Krishnan)

Acting Chairman

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