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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P.No. 375/97

ALONG WITH

MA No. 2986/97

in

O.A.-668/89

New Delhi: this the 2<sup>nd</sup> day of July, 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Lakhu Oraon,  
Senior Goods Clerk (CGS),  
Northern Railway,

Hathras

..... Applicant.

(By Advocate: Sri H.K. Gangwani)

Various

Union of India & Ors  
through

1. Shri S.C. Mehta,  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2. Shri M.N. Chopra,  
Divisional Railway Manager,  
Northern Railway,  
Allahabad

..... Respondents.

(By Advocate: Shri R.L. Dhanwan)

JUDGMENT

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

In this C.P. filed on 15.12.97 petitioner Lakhu Oraon alleges contumacious disobedience by the respondents of the judgment dated 6.4.92 in OA No. 668 /89 Lakhu Oraon Vs. UOI & Ors.

2. The petitioner was proceeded against departmentally on two charges of misconduct. An Enquiry Officer was appointed and after the enquiry was concluded, the Disciplinary Authority imposed a major penalty of removal from service. Petitioner

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challenged the same in O A No. 668/89 which was disposed of by CAT PB's judgment dated 6.4.92. By that judgment, the enquiry was held to have been vitiated owing to non-supply of the copy of preliminary enquiry report along with copies of statements of P.Ws. The impugned penalty order along with enquiry report was quashed and set aside and the respondents were directed to reinstate the applicant in service and the position prior to the commencement of the enquiry, with liberty given to them to proceed with the D.E. afresh from the stage of issue of charge sheet. By notice dated 17.9.92 (Annexure-R I) the applicant was ~~being~~ reinstated in service as Goods Superintendent (Rs. 1600-2660), the post which he was holding before the commencement of enquiry. Applicant however contends that in terms of aforementioned judgment dated 6.4.92 the respondents were required to pay him salary and allowances for the period from 5.2.88 to 17.9.92 during which period he remained out of service and by not doing so respondents have committed Contempt of Court.

3. We have heard petitioner's counsel Shri H.K. Gangwani and Respondents' counsel Shri R.L. Dhawan.

4. At the outset we note that the C.P. is grossly time barred and is squarely hit by Section 20 Contempt of Courts Act. The delay in filing the C.P. cannot be cured by the grounds taken in MA No. 2986/97 filed by the petitioner praying for condonation of delay.

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5. In this MA the petitioner has acknowledged the fact that Tribunal in its judgment dated 6.4.92 gave liberty to the respondents to proceed with the DE afresh from the stage of issue of charge sheet if they <sup>were</sup> ~~are~~ so advised. He avers that after the aforesaid judgment dated 6.4.92, proceedings were initiated afresh and the Enquiry Officer finally submitted his report on 23.9.94 holding Charge No.1 as not proved and Charge No.2 as possibility not ruled out. He further avers that the Disciplinary Authority disagreed with the Enquiry Officer's <sup>report</sup> and imposed a penalty of reduction from the <sup>(1600-2660)</sup> post of Chief Goods Clerk to the post of Senior Goods Clerk <sup>(Rs. 1200-2040)</sup> for a period of 3 years and fixed the pay at Rs.1200/- p.m. He further avers that he preferred an appeal against the aforesaid order, upon which the appellate authority by his order dated 29.3.96 reduced the punishment imposed by the Disciplinary Authority. Neither sides have shown us any order passed by the Competent Authority regarding treatment <sup>the</sup> of <sup>the</sup> period from 5.2.88 to 17.9.92 .

6. Respondents would be required to determine the manner the period 5.2.88 to 17.9.92 in regard to the petitioner, is to be treated, in accordance with rules and instructions, and in case they have not done so already , they should issue necessary orders in this regard under intimation to the applicant as expeditiously as possible and preferably within 3 months from the date of receipt of a copy of this order.

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7. Subject to the above, the C.P is dismissed  
and notices to the alleged contemnors are discharged.

*Lakshmi Swaminathan*

( MRS. LAKSHMI SWAMINATHAN )  
MEMBER(J)

*S.R. Adige*

( S.R. ADIGE )  
VICE CHAIRMAN (A).

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