

2/11

Date of Order: 24.4.1991.

..... Petitioner

Versus

..... Respondents

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A)

SHRI MUKUL TALWAR, COUNSEL FOR THE PETITIONER.

MS. GEETA LUTHRA, COUNSEL FOR THE RESPONDENTS.

## O R D E R

Heard the learned counsel of both the parties on CCP No.130/90. The prayer contained in this petition is that the respondents be punished <sup>for</sup> <sub>h</sub> having committed contempt of this Tribunal as they have not complied with the directions contained in judgement dt. 16.3.1990 in O.A.No.1542/89.

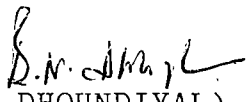
2. The learned counsel of the respondents has brought to our notice two office orders passed by the respondents on 11.9.1990, according to which the applicant has been promoted as Sub Inspector with effect from 3.6.1988. It has, however, been stated that this will be only a proforma promotion for the period from 3.6.1988 to 10.9.1990 and that the petitioner will not be entitled to his pay and allowances <sup>on</sup> on the higher post during the said period.

3. According to the learned counsel of the petitioner, even though the aforesaid orders have been passed by the respondents, they have not fully complied with the directions contained in the judgement, <sup>e</sup> According to

which, it is implied that ~~in~~<sup>a</sup> once the Tribunal<sup>a</sup> directions ~~are~~<sup>a</sup> to give retrospective promotion, he ~~will~~<sup>a</sup> be entitled to the monetary benefits. The respondents have, however, proceeded on the basis that in the absence of any specific direction given in the judgement that the retrospective promotion should be coupled with arrears of pay and allowances, they are not legally obliged to pay the same to the petitioner.

4. In our view, the respondents cannot<sup>a</sup> be said to have willfully disobeyed<sup>a</sup> the directions contained in the judgement of the Tribunal dt. 16.8.90. As two interpretations of the judgement have been placed before us, we do not wish to give any opinion, one way or the other. In case the petitioner wants to pursue the matter, further, he will be at liberty to file a fresh application in the Tribunal in accordance with law.

The CCP is dismissed and the notice of contempt <sup>a with the above observations. a</sup> is discharged. There will be no order as to costs.

  
(B.N. DHOUNDIYAL)  
MEMBER(A)

  
(P.K. KARTHA)  
VICE-CHAIRMAN(J)