

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

C.C.P. No. 199 of 1991 in
O.A. No. 277 of 1989.

Date of decision 31.10.9

Jagat Singh

....Petitioner.

Vs.

1. Shri R.K. Thakkar,
Chief Secretary,
Delhi Administration,
5, Alipur Road, Delhi.

2. Shri B.B. Saxena,
Secretary (Services), Delhi Admn.,
5, Sham Nath Marg, Delhi.

3. Shri S.R. Arya,
Commissioner,
Food & Supplies, Delhi Administration,

....Respondents.

For the Petitioner - Mr. R.K. Kamal, Advocate.

For the Respondents - Mrs. Meera Chhibber,
Advocate.

B.S. SEKHON:

The Petitioner - Applicant in O.A. 277 of 1989 titled "Jagat Singh Vs. Lt. Governor, Delhi & others", has preferred the instant Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985 read with Section 23 of Contempt of Courts Act, 1971, By virtue of the operative portion of judgment dated 19.12.90 (Annexure -1) rendered in the aforesaid O.A., the order dated 18.1.1989 impugned in the O.A. was set aside. Applicant was also awarded a token cost of Rs. 500/-. According to the Petitioner, Respondents have not taken any steps to implement the judgment despite representations dated 20.2.91, 14.3.91, 18.4.91 and 4.7.91 (collectively marked as Annexure A/2) and that they have wilfully committed

the contempt by non implementation of the aforesaid judgment.

2. In the reply affidavit filed by Shri B.B. Saxena, Secretary (Services), Delhi Administration, it has been stated that there was slight delay in implementing the judgment which has since been fully implemented vide orders dated 17.10.91 and 21.10.91. The costs as also the arrears have been paid to the Petitioner. The delay in implementing the judgment has also been regretted.

3. We have heard the arguments addressed by the learned counsel for the parties and have perused the pleadings and the documents on record.

4. A perusal of orders No. 1182, dated 17.10.91 and No. 1193, dated 21.10.91 (Annexure R/1 and Annexure R/2 respectively) goes to show that the judgment has since been complied with. During the course of arguments, the learned counsel for the Petitioner submitted that the Petitioner has not been granted consequential benefits which should have been granted after the quashing of the impugned order. The order impugned in the O.A. which has also been reproduced at page 3 of the judgment reads thus:-

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"In pursuance of Delhi Admin. order No. F.14/7/87.S.III/Vol.II, dated 3.11.88, the increments granted to Sh. Jagat Singh, LDC w.e.f. 7.7.73 to 1.7.81, in the pay scale of Rs. 110-3-131-4-155-E8-4-175-5-180 upto the period from 7.7.72 to 31.12.72 is hereby withdrawn, the pay of the official is fixed at Rs. 266/- in the revised scale of Rs. 260-6-290-E8-8-390-10-400, w.e.f. 1.1.73 and the future increments again granted to the official after 1.1.73 i.e. on 7.7.73 to 1.7.81 are also

hereby withdrawn and hence, the official will continue to get the salary @ Rs. 266/- upto 31.12.85 and w.e.f. 1.1.86 the pay of the official in revised scale of Rs. 990-20-1150-EB-25-1500 is hereby fixed at Rs. 990/-. He will not earn any increment till he passes the type test or exemption in passing the test is granted by the competent authority.

The necessary recovery of over-payment already made to the official on account of increments already granted, which have now been withdrawn, may be made from the salary of the official."

The question of consequential benefits has neither been covered in the impugned order nor the operative portion grants any consequential benefits to the petitioner. The aforesaid plea of the learned counsel for the Petitioner is, thus, of little consequence and does not in any wise justify further action in this Petition.

5. In the premises, this Petition is hereby rejected and the notice issued to the Respondents is hereby discharged. No costs.

(*Lege*)
(P.C. JAIN)
MEMBER (A)

(*B.S. Sekhon*)
VICE CHAIRMAN

31/10/91

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