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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP-112/94 in
OA-740/91

New Delhi this the 11th Day of January, 1995.

Hon'ble Sh. N.V. Krishnan, Member (J)
Hon'ble Dr. A. Vedavalli, Member (J)

Ashok Kumar Gupta
S/o Sh. K.B. Gupta,
Driver Goods,
Under Chief Crew Controller,
Northern Railway,
Ghaziabad.

...Petitioner

(By Advocate Sh. G.D. Bhandari)

Versus

1. Sh. Masih-uz-zaman,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Sh. R.N. Agha,
Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

...Respondents

(By Advocate Sh. Shyam Moorjani, though none appeared)

ORDER(ORAL)

Hon'ble Mr. N.V. Krishnan:-

The contempt alleged in this CCP is in respect of judgement dated 5.11.93. That judgement disposed of the OA as follows:-

"i) The respondents are already bound to give effect to the judgement dated 5.8.93 of the Supreme Court in Civil Appeal No.4681-82/92 Union of India and Ors. Vs. R. Reddappa and Another in terms of the directions given therein. Thus the applicant gets full relief against the Annexure A-5 order of removal dated 2.2.1981.

ii) For the purpose of determining the post to which the applicant would be restored in terms of directions of the Supreme Court's judgement supra; we declare that the applicant should be deemed to be holding the post of Driver when the impugned Annexure A-5 order was passed as we have set aside the Annexures A-3, A-4 and A-1 and R-9 orders by which the applicant was first removed from service but later reduced to the rank of Shunter and his application was dismissed."

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2. The respondents took action, with which the petitioner was not satisfied. He sent the Annexure-2 representation making certain claims as to how his pay should have been fixed and compensation determined. He alleged that by not doing so contempt was committed.

3. Not receiving a reply he filed this C.C.P. Respondents have denied the charge.

4. We have heard the learned counsel for the petitioner.

5. It is seen that a notice was issued on 23.12.93 by the respondents, (Annexure CP-3 with the petitioner's rejoinder). The petitioner reported for duty on 10.12.93. He was posted at Ghaziabad against an existing vacancy of Electrical Driver (Goods) in the grade of Rs.1350-2200 (Revised Pay Scale) at the stage of Rs.1480/-. It was also directed that he should be given compensation for three years. From the Annexure CP-1 it is seen after a gross amount of Rs.105382/- was paid the net being Rs.95,822/- after deducting Rs.9560/- in respect of items mentioned thereunder.

6. The basic ground for the charge is that the computation is wrong for the reason that pay has not been fixed on point to point basis and benefit of increments has not been given and that 30% running allowance is not added etc.

7. We have considered the matter. We are satisfied that the respondents have implemented the judgement and no contempt has been committed. May be, the petitioner

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has a genuine grievance in regard to fixation of pay and computation of compensation. If so, the proper course for him was not to file a contempt petition.

8. In the circumstances of the case, without going into the merits of the grievances of the petitioner in regard to the order passed by the respondents, we find that there is no contempt and accordingly this petition is dismissed. Notice of contempt is discharged. The applicant is at liberty to pursue other remedies, as may be advised.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

N.V. Krishnan
11.1.85

(N.V. Krishnan)
Vice-Chairman(A)

'Sanju'