

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

39

C.P. 213/1998 in
O.A. 2899/91

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Sh. V.K. Majotra, Member (A)

New Delhi this the 25th April, 2000

Shri C.N. Sahai and Others Petitioners
(By: Advocate Sh. B.S. Mainee)
versus

1. Sh. S.P. Mehta,
General Manager,
Northern Railway,
New Delhi
2. Shri Rakesh Chopra
Divisional Railway Manager
Northern Railway,
New Delhi
3. Shri R.S. Grover
Divisional Railway Manager
Northern Railway,
Ambala Cantt.
4. Sh. S.B. Bhattacharya,
Divisional Railway Manager
N.Railway, Lucknow
5. Sh. M.K. Goel,
Divisional Railway Manager
Northern Railway
Ferozepur
6. Sh. Buddh Prakash
Divisional Railway Manager
Northern Railway,
Jodhpur,

..... Respondents

(By: Advocate Sh. R.P. Aggarwal)

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Both the counsel have been heard.

2. Learned counsel for the respondents submitted that the respondents have fully and faithfully complied with the directions given by this Tribunal in its order dated 3.1.1996 in O.A. 2899/1991. Sh. Mainee, learned counsel for the applicant, however, submits that the respondents

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have paid the entire consequential benefits by way of arrears of pay and allowances from the date the applicants took over the charge in the higher post, but not from the date they were due for promotion. Sh. Aggarwal, learned counsel has on the other hand reiterated that the respondents have complied with the order of the Tribunal and nothing survives in the Contempt Petition.

3. We have considered the facts and submissions made by the learned counsel in the aforesaid C.P. From the perusal of the additional affidavit filed by the respondents, it cannot be concluded that they have either wilfully or contumaciously disobeyed the Tribunal's order, calling for contempt proceedings under the provisions of section (17) of Administrative Tribunal Act read with Section 12 of the Contempt of Court Act, 1971. The judgement of the Hon'ble Supreme Court in J.S. Parihar Vs. Ganpat Duggar and Ors. (JT 96 (9) SC 611) is relevant to the facts of the present case. In that case it was held that once there is an order passed by the Government on the basis of the directions issued by the Court, then there arises a fresh cause of action to seek redressal in appropriate forum, but contempt does not lie.

4. In the result for the reasons given above, we see no reason to pursue the C.P. against the respondents and the same is accordingly dismissed. Notices issued to the respondents are discharged, leaving it open to the applicants to pursue any other remedy available to them, if they so desire.

V.K. Majotra
(V.K. MAJOTRA)
Member (A)

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
Member (J)