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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.C.P. No.195 of 1993 IN
O.A. No.2470 of 1991

New Delhi this the 19th day of May, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.N. Dhoundiyal, Member

Shri R.K. Verman

...Applicant

By Advocate Shri B.S. Mainee

Versus

1. Mr. Raj Kumar
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Mr. B.S. Agarwal,
Chief Administrative Officer (Construction),
Northern Railway,
Kashmeri Gate,
Delhi. Respondents
- 3.

By Advocate Shri B.K. Aggarwal

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The complaint in this application is that the directions given by this Tribunal in its judgment dated 10.12.1992 in O.A. No. 2470 of 1991 have not been carried out. The directions are many-fold.

2. The controversy in this application centres round the payment of arrears to the applicant from the date of his promotion as Assistant Superintendent (Works). We are, therefore, extracting the portion of the directions given by this Tribunal, as relevant:-

".....The respondents are further directed to fix the pay of the applicant, as has been done in the case of other 15 applicants, giving him the benefit of annual increments. The respondents are also directed to pay the arrears to the applicant from the date his juniors have been promoted as Assistant Superintendent (Works) Superintendent (Works).....".

3. In the rejoinder-affidavit filed by the applicant himself it is stated that a number of persons are junior to him, one of them being Shri S.K. Sarasvat, who according to the applicant, is the senior-most junior to him. In the additional affidavit filed on behalf of the respondents it is stated that Shri Sarasvat was allowed promotion as Assistant Superintendent (Works) on proforma (notional) basis with effect from 21.08.1971 and paid arrears with effect from 18.02.1980. It is also stated that the applicant too was allowed notional promotion as Assistant Superintendent (Works) with effect from 21.08.1971 and paid arrears with effect from 18.02.1980 as in the case of Shri Sarasvat. There is no dispute that the applicant has been paid his arrears with effect from 18.02.1980.

4. In reply to O.A. 2470 of 1991, the respondents averred that the case of the applicant did not stand on the same footing as that of Shri S.C. Bhatnagar. In the O.A. we do not find any mention of Shri Balwant Singh. We also do not find any mention of the fact that Shri Sarasvat and others, junior to the applicant, did not approach the Tribunal, as contended by the learned counsel for the applicant. The fact that Shri S.C. Bhatnagar had been paid arrears from 1971 was before the Tribunal. Nonetheless, the Tribunal did not feel it proper to place the applicant on par with Shri Bhatnagar in so far as the payment of arrears from 1971 was concerned. The learned members deliberately made it clear that the applicant would be paid arrears from the date his juniors had been promoted as Assistant Superintendent (Works). As already stated S/Shri Sarasvat and Others, who were and are juniors to the applicant, were given notional promotions from 21.08.71 and were actually paid with effect from 18.02.1980.

5. Learned counsel for the applicant has pointed out that in the rejoinder-affidavit, the applicant has admitted the fact that Shri Sarasvat and Others were junior to him in another context. Be that as it may, the admission remains that Shri Sarasvat and Others were juniors to the applicant.

(AP)

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6. In the circumstances of this case, it cannot be said that the respondents are wilfully disobeying the directions of this Tribunal. Therefore, no case for prosecuting them for having committed the contempt of this Tribunal exists. The Contempt Petition is rejected. Notices issued to the respondents are discharged.

No costs.

B.N. Dhoondiyal
(B.N. DHOUNDIYAL)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN

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