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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.C.P. No. 341 of 1994 In  
O.A. No. 1395 of 1991

New Delhi this the 24th day of May, 1995

**Mr. A.V. Haridasan, Vice-Chairman**  
**Mr. K. Muthukumar, Member(A)**

Shri Davinder Kumar Mishra  
R/o RZ/B-12 Sita Puri,  
Part-I,  
New Delhi.

.Petitioner

Shri B.S. Madhok, proxy counsel for  
Shri B.S. Mainee, Counsel for the petitioner

Versus

1. Shri Lalit Kumar Sinha  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Shri R.N. Aga  
Divisional Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.

..Respondents

By Advocate Shri R.L. Dhawan

ORDER (ORAL)

Mr. A.V. Haridasan, Vice-Chairman(J)

The original application was filed challenging the termination of service of the petitioner and praying for reinstatement with back wages. The application was disposed of by judgement dated 5.7.93 with a direction to the respondents to reinstate the applicant in service and pay him back wages. Finding that this judgment has not been complied with, the petitioner has filed the present petition praying that the respondents may be proceeded/under the Contempt of Courts Act. The respondents have filed a reply statement. They have stated that the judgment has now been fully implemented reinstating the petitioner in service and paying him a sum of Rs.1,06,357/- as back wages. They have also expressed their regret for the delay in implementation

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of the directions contained in the judgment. The applicant has filed a rejoinder, in which he claims that apart from the pay and allowances already paid to him, he is entitled to get a sum of Rs.12,459/- as productivity linked bonus for the period he was kept out of service.

2. When the petition came up for hearing, Shri B.S. Madhok, proxy counsel for Shri B.S. Mainee, Counsel for the petitioner argued that such productivity linked bonus was also one of the benefits due to the applicant, as the same was given to all other employees and the non-payment of the same to the petitioner is violation of the directions of the judgment.

3. After hearing the learned counsel on the either side, we are of the considered view that the respondents have substantially complied with the directions contained in the judgment, though after delay. The regret expressed by the respondents in implementation of the judgment is accepted. If the applicant considers that he has a valid claim for productivity linked bonus, he is free to seek recovery of the same in an appropriate proceedings instituted in that behalf. That, according to us, is not a reason for taking action against the respondents under Contempt of Courts Act as the directions contained in the judgment have been substantially complied with. The Contempt Petition is, therefore, dismissed and the notices issued to the respondents are discharged.

(K. MUTHUKUMAR)  
MEMBER (A)

(A.V. HARIDASAN)  
VICE CHAIRMAN

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