

35

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 266/1996
in
O.A. NO. 142/1992

Wednesday, this the 29th January, 1997.

HON'BLE SHRI JUSTICE B. C. SAKSENA, ACTING CHAIRMAN
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Begh Raj Singh S/O Salig Ram,
R/O 400-A, Hastal Village,
P. O. Uttam Nagar,
New Delhi-110059.

... Petitioner

(By Shri V. K. Rao, Advocate)

-Versus-

1. Col. P. S. Sundaram,
Commander Works Engineer,
New Delhi, Rao Tula Ram Marg,
Delhi Cantt-10.

2. Lt. Gen. N. R. Khanna,
Engineer-in-Chief,
A.H.Q., DHQ PO,
New Delhi-11. ... Respondents

(By Shri V. S. R. Krishna, Advocate)

O R D E R (ORAL)

Shri Justice B. C. Saksena -

We have heard the learned counsel for parties.
Applicant had earlier filed O.A. No. 142/1992 which was decided on 15.1.1996. Through that O.A., applicant had challenged an order dated 21.3.1991 imposing the penalty of dismissal from service. In the operative portion of the order passed in the O.A., it was observed :-

"...In the result, the application is allowed and the respondents are directed to reinstate the applicant forthwith with all consequential benefits relating to the arrears of pay including increments, treating the period of absence from the date of dismissal to the date of reinstatement as duty."

...contd.

2. In the counter affidavit, it has been indicated that applicant has been reinstated in service and arrears of pay including increments have also been given to him. In the counter affidavit, of course, which was filed earlier, it was indicated that the necessary procedure for allowing the applicant to cross the efficiency bar will have to be followed and name of applicant had been placed before a board of officers for the purpose. However, at the hearing today, Shri V. S. R. Krishna, learned counsel for respondents stated at the Bar that applicant has also been allowed to cross the efficiency bar and all arrears consequential to the annual increments have been paid to him. They have also indicated that applicant has also been promoted with retrospective effect and arrears consequent thereto have also been paid to him.

3. In view of the statement by the learned counsel for respondents, the learned counsel for applicant appears to be satisfied.

4. Learned counsel for applicant, however, sought to urge that applicant has not been given promotion from the date he became eligible. This aspect was not a subject matter of the Original Application and, therefore, cannot be permitted to be urged in the Contempt Petition.

5. In view of the above, the contempt petition fails and it is accordingly dismissed. Notice issued is discharged.

Dated, 29th January, 1997.

/as/


(K. Muthukumar)
Member (A)


(B. C. Saksena)
Acting Chairman