

ORAL

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Dated: ALLD. on this ... 11th Day of November, 1997

CORAM: Hon'ble Mr Justice B C Saksena, V.C.
Hon'ble Mr S Das Gupta, A.M.
Contempt Petition No.62 of 1996 IN
ORIGINAL APPLICATION NO.275 OF 1994.

Ravindra Kumar S/o Sri Komal Prasad
R/o C-33/38-A, Chandawa Chhittoopur,
Varanasi at present posted as Safaiwala,
NE Rly, Varanasi

... Applicant

C/A Shri B P Srivastava and
Shri R K Pandey

Vs.

Shri L B Rai
Divisional Rly Manager (Personnel)
N E Railway
Varanasi.

... Respondent

C/R Shri Prasant Mathur

ORDER (ORAL)
(By Hon'ble Mr Justice B C Saksena, V.C.)

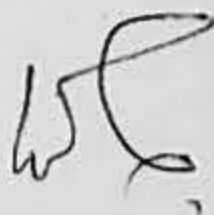
We heard learned counsel for the parties. The applicant had filed O.A. No.275/94 which was finally decided by an order passed on 31.10.95. In the operative part of the said order it was provided as follows:-

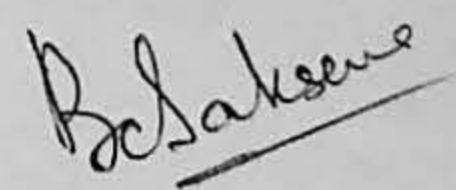
"In view of the facts and circumstances discussed above, we hold that the applicant, having acquired temporary status as substitute Safaiwala, is entitled to all the rights and privileges provided under the rules. We, therefore, direct the respondents not to terminate the services of the applicant except in accordance with law and consider him for regular absorption as per the Rules in his own turn. There will be no order as to costs."

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Boh ...2/-

2. In the C.A., the respondent has stated that by an order dated 31.01.97, copy of which has been annexed as Annexure CA-I, the applicant has been reinstated in service as Substitute Safaiwala and it was provided that his regularisation will depend on screening test. In R.A. the applicant does not dispute that he has been reinstated in service.

3. The applicant however, through M.A.NO.3244/97 has taken the plea that the respondent has not paid the arrears of the salary of the applicant from 2-2-1994 to 3-2-1997 and they may be ordered to pay the said arrears. In this M.A., it has been indicated that direction for payment of arrears was made in the order dated 30.10.1994 passed in the O.A. We asked the learned counsel to indicate which part of the orders passed by this Tribunal is for the payment of salary arrears of the said period. The learned counsel for the applicant submits that the Oct 31, 1995 order para-9 where it was indicated....." having acquired the temporary status of substitute safaiwala, the applicant is entitled to all rights and privileges" and submits that this amounts to a direction for payment of arrears for the period in question. We are unable to agree. The observations indicated above were the premises for the direction given to the respondent in the subsequent lines of para-9 viz. "not to terminate the services of the applicant...." The grievance of the applicant that the order has not been complied with is wholly untenable. Contempt petition fails and is accordingly dismissed. Notices issued to the respondent are discharged.


A.M.


V.C.