

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

CIVIL CONTEMPT APPLICATION NO.97 OF 2004

IN

ORIGINAL APPLICATION NUMBER 1508 OF 1998

ALLAHABAD, THIS THE 13<sup>TH</sup> DAY OF JULY 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN  
HON'BLE MR. M. K. MISRA, MEMBER (A)

P. D. Awasthi aged about 59 years,  
S/o Late Gurdas Awasthi, employed as Junior Works Manager in Ordnance  
Equipment Factory Hazratpur,  
District Ferozabad.

..... Applicant

(By Advocate : Shri S. Lal)

V E R S U S

1. Shri A. K. Das, General Manager,  
Ordnance Factory Muradnagar,  
District Ghaziabad (U.P.).
2. Shri P. K. Mishra, The Chairman Ordnance Factory Board, Govt. of  
India, Ministry of Defence, 10 A S.K. Bose Road, Kolkata-700 001.

..... Respondents

(By Advocate: Sri S. Singh)

O R D E R

By Hon'ble Mr. Justice S. R. Singh, Vice-Chairman

Heard Shri S. Lal counsel for the applicant and Shri S. Singh Senior  
Standing Counsel representing the respondents.

2. The applicant had instituted the O.A. No. 1508/1998 for issuance of the  
direction to the respondents therein to fix his pay at Rs.2975/- per month w.e.f.

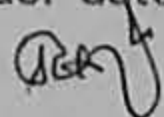
*Per J*

27.01.1987 at par with his junior Shri K. G. Bahri. The O.A. was allowed in part vide order dated 28.05.2003 whereby respondents were directed to grant the stepping up to the applicant at par with Shri K.G. Bahri with effect from the date of filing of O.A. i.e. 29.09.1998.

3. It appears that that the review application No.100 of 2003 came to be filed by the Union of India and Ors. seeking review of the above judgment and order dated 28.05.2003. During the pendency of the review petition an order was passed by the department on 23.02.2004, a copy of which is annexed as Annexure MA-1 whereby the stepping up given to Shri K. G. Bahri was cancelled and his pay was fixed in the manner indicated in the order dated 23.02.2004, a copy of the said order was filed in the review petition. Relying upon the said order, the Bench disposed of the review petition with a clarification that "since Shri K. G. Bahri stepping up itself has been cancelled by the authorities, the applicant would also get the same pay which Shri K. G. Bahri is now getting as per the order dated 23.02.2004".

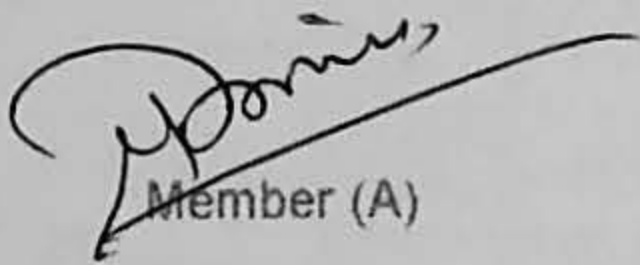
4. Learned counsel for the applicant has filed a copy of the judgment of the Chandigarh Bench of the Central Administrative Tribunal in O.A. No. 264/CH/04 whereby the O.A. filed by Shri K. G. Bahri challenging the order dated 23.02.2004 has been allowed and the order dated 23.02.2004 quashed.

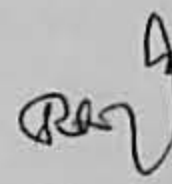
5. In the circumstances, therefore, we consider it just and proper to direct the respondents to give effect to the judgment dated 28.05.2003 passed by this bench in the O.A. No. 1508/1998 within a period of 8 weeks. The contempt petition on hand is converted into an application under section 27 of the Administrative Tribunals Act 1985 read with rule 24 of the CAT Procedure Rule the respondents are directed to implement the order dated 28.05.2003 after ignoring the order dated 28.10.2004 passed in the Review Application No.100 of



2003. It is however, clarified that in case the Judgment of Chandigarh Bench is set aside by a superior court, the implementation of this order would ultimately abide by the Judgment, if any, of the Superior Court.

6. The CCP stands disposed of accordingly.

  
Member (A)

  
Vice-Chairman

Shukla/-