

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.193/2020 with CP No.18/2020

This the 08th day of January, 2021

**Coram : Hon'ble Shri J.V.Bhairavia, Member (J)
Hon'ble Shri A.K.Dubey, Member (A)**

Original Application

Shri Maheshkumar Chunilal Rathwa
Aged : 55 years, Gender : Male,
R/o. 57, Dev Pushpa Nagari Society,
Opp. Tirth Tenament, Dabhoi,
Vadodara Ring Road,
Vadodara 390 025. Applicant

(By Advocate : Shri Ishan Joshi)

VERSUS

1. Nehru Yuva Kendra Sangathan
Government of India,
State Director (In-charge)
2nd Floor, Panchayat Bhavan,
Blawant Rai Mehta
Sector – 17, Ch-Road,
Gandhinagar 382 016.
2. Nehru Yuva Kendra Sangathan
Government of India,
Director General / Disciplinary Authority
Ground Floor, 4 – Jeevan Deep Building
Parliament Street,
New Delhi 110 001. Respondents.

(Advocate : Shri H.D.Shukla)

Contempt Petition

Shri Maheshkumar Chunilal Rathwa
Aged : 55 years, Gender : Male,
R/o. 57, Dev Pushpa Nagari Society,
Opp. Tirth Tenament, Dabhoi,
Vadodara Ring Road,
Vadodara 390 025. Applicant
(By Advocate : Shri Ishan Joshi)

VERSUS

1. Manisha Shah (S.D.)
Nehru Yuva Kendra Sangathan
Government of India,
State Director (In-charge)
2nd Floor, Panchayat Bhavan,
Blawant Rai Mehta
Sector – 17, Ch-Road,
Gandhinagar 382 016.
2. Arun Kumar Singh
Nehru Yuva Kendra Sangathan
Government of India,
Director General / Disciplinary Authority
Ground Floor, 4 – Jeevan Deep Building
Parliament Street,
New Delhi 110 001. Respondents.

(Advocate : Shri H.D.Shukla)

ORDER – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, vide impugned order dated 08.07.2020 (Annexure A-1), while the applicant was working as DYC at NYC, Nadiad (Kheda) Gujarat was placed under suspension with immediate effect since he was facing departmental proceedings. His headquarter, as also his service has been ordered to be attached with NYKS, Itanagar, Arunachal Pradesh.

2. It is noticed that by way of interim relief, this Tribunal vide order dated 17.07.2020 directed the respondents not to take coercive steps against the applicant pursuant to the impugned order dated 08.07.2020.

3. The respondents have filed their reply wherein it has been contended that the suspension order dated 08.07.2020 issued against the applicant has been withdrawn by the respondents. Therefore, OA has becomes infructuous.

4. Counsel for the applicant submits that during the pendency of this OA, the applicant has also filed CP No.18/2020 wherein he has contended that though this Tribunal vide order dated 17.07.2020 had directed not to take coercive steps against the applicant, but the respondents have not paid him full salary. Instead of it, he was paid only 50% salary from July, 2020 to October, 2020. Thereby, the order passed by this Tribunal has not been complied with in its true spirit. Therefore, counsel for the applicant submits that since this Tribunal had restrained the respondents not to take coercive steps pursuant to the impugned order, the respondents ought to have paid fully salary from July, 2020 to October, 2020. Rather, the respondents have paid him 50% salary from July, 2020 to October, 2020. Therefore, he is entitled for due amount of salary for the said months from the respondents.

5. We have considered the submissions made by the learned counsel for both the parties and perused the material on record.

6. We are of the considered view that the prayer sought in the OA has becomes infructuous on withdrawal of suspension order, which was impugned herein. So far grievance of the applicant for less

payment of salary is concerned, since it is not in dispute that by way of interim relief, the respondents were restrained not to take coercive steps pursuant to the suspension order, the respondents will take necessary steps, as expeditiously as possible, in releasing remaining 50% due salary of the applicant, if not paid till date.

7. In view of the above observation and directions, the OA stands disposed of. The CP No.18/2020 also stands dropped. Notice issued to the respondents stands discharged.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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