

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
ALIAHABAD

Dated: This the 28th day of May, 1997

Hon'ble Mr. S. Das Gupta AM
Coram : Hon'ble Mr. T. L. Verma JM

Contempt petition No. 82 of 1996

IN
ORIGINAL APPLICATION NO. 1839/92

Raj Kumar Goswami - - - - - Applicant

C/a Sri M.P.Gupta
Sri S. K. Misra

Versus

Lt. General N.R.Khanna E-in-C

and another - - - - - Respondents

C/R Km. Sadhna Srivastava

Order (oral)

By Hon'ble Mr. S. Das Gupta AM

This contempt application has arisen out of the judgment and order dated 3.11.1995 by which the O.A. No. 1839/92 was disposed of with certain directions.

2. In the aforesaid O.A., applicant was aggrieved by the fact that his services were terminated by an order dated 5.12.1992 on being found medically unfit after having received certain injuries. At the time of incident, he was working on the post of Electrician. The O.A. was disposed of with the direction

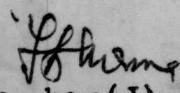
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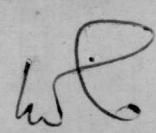
to the respondents to consider the employment of the applicant on the post of L.D.C./Store keeper, if found fit ~~otherwise~~ provided suitable vacancy was available.

3. It appears from the pleadings on record that the applicant was initially offered appointment on group 'D' post. Subsequently, when the contempt application was filed, respondents offered appointment to the applicant as L. D. C. In the relevant order which has been annexed to the Supp.C.A., it has been stated that the intervening period shall be covered by granting leave as due. This order is in conformity with the order of the RTribunal given in para 9 of judgment.

4. The learned counsel for the applicant is being submits that the applicant's pay had ~~to be~~ be fixed at the minimum of scale of L.D.C., whereas as Electrician he was drawing much higher pay. We have carefully perused the judgment. There is nothing in this order which obliges the respondents to fix the applicant's pay on a particular stage. If the applicant is otherwise eligible to get higher pay fixed in accordance with the extant rules that will be a fresh cause of action, which cannot be adjudicated within the compass of contempt application.

5. So far as the Tribunal order's is concerned we are satisfied that there has been substantial compliance with the aforesaid order. Contempt proceedings are accordingly dropped and notices issued are discharged.


Member (J)


Member (A)