

11
Open Court.

Central Administrative Tribunal, Addl. Bench,
Allahabad.

...

Dated This the 18th February, 1997.

Coram: Hon'ble Dr. R. K. Saxena, JM.
Hon'ble Mr. L. S. Baweja, AM.

Contempt Petition No: 232 of 1994.

IN
ORIGINAL APPLICATION NO: 227 of 1993.

Basudev Thakur son of Late Sri Agnu Thakur,
resident of Quarter No: 7F, Railway Road,
No: 73, Varanasi Cantt. .. Applicants

(C/A. sri N.N. Lahiri. Adv).

VERSUS:

1. Dilip Singh Rawat, Commandant,
39, Gorkha Training Centre,
Varansi Cantt, Varanasi.

2. Lal Dei Lova, Quarter Master General,
39, Gorkha Training Centre, Varanasi
Cantt, Varanasi.

... Opp. Parties.

(C/Ops. Km. Sadhna Srivastava)

order enclosed)..

2

Open court.

ORDER (ORAL)By Hon'ble Mr. R.K. Saxena, J.M.

The contempt proceedings have been started by one Basudeva Thakur against Dilip Singh Rawat, Commandant 39GTC and Lal Dei Lova, Quarter Master General, 39 GTC. The contention of the applicant is that judgment which was delivered in O.A. No 227 of 1993 Basudeva Thakur Vs. Union of India and others, decided on 24.12.1993, has not been complied. Therefore, the Opposite parties are prayed to be punished.

2. A perusal of the judgement annexure (A-1) which has been brought on record alongwith the Contempt application, goes to show that the appointment of the applicant on the post of temporary barbier was cancelled. The Tribunal held the order of the termination of service dated 27.3.1991 as illegal. It was further observed that the applicant would be deemed to continue in service from the date of his appointment with effect from 11.1.1991. The wages were not allowed to be given. Directions were again given to the respondents to allow the applicant to work on the post of his appointment within a period of 15 days from the date the order was served.

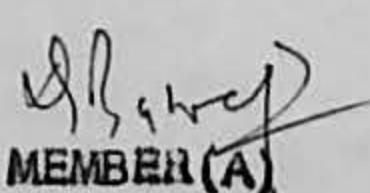
2. Opposite parties have contested the case and filed counter affidavit of Dilip Singh Rawat. It is contended in this affidavit that the compliance of the judgment has been made. Km. Sadhna Srivastava, points out that the appointment was given to the applicant vide order dated 18.3.1995 Annexure (CA.2) with effect from 6.1.1994. It was further contended that the salary for the period started from 6.1.1994 till the actual date of order of appointment has also been paid to the applicant. This fact was denied by the applicant in the rejoinder. Today,

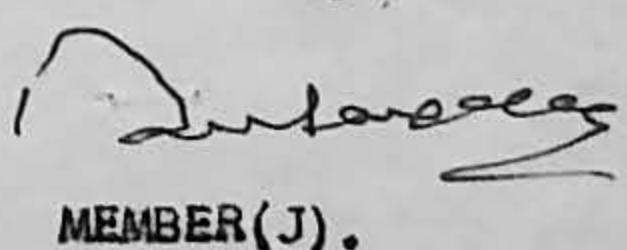
3.

Km. Sadhna Srivastava, has shown us the receipt dated 15.11.1996 showing the payment of Rs26,940/- as the arrears of pay from 6.1.1994 to 17.3.1995. It appears that after having received the arrears of salary, the applicant has lost interest in the case. A perusal of the record shows that right from 5.2.1996 onwards and till today, the learned counsel for the applicant has failed to appear.

3. It is established from the facts as are brought on record that the compliance of the proceedings ^{is done but} ~~are~~ ^{are} belatedly. The respondents were directed to reinstate the applicant within 15 days from the date of receipt of the judgment dated 24.12.1993. The order of appointment annexure CA2, was issued on 18.3.1995. In this way, near about 15 months were consumed by the Opposite parties in compliance with the directions. It is argued on behalf of the Opposite parties that no doubt the delay was caused but ^{the applicant} was compensated by giving arrears of salary, ~~to the applicant~~. In the contempt proceedings, the element of disobedience is always taken into consideration. The compliance made within the period of 15 months in place of 15 days is not appreciable. We deploicate this attitude.

Anyway, keeping the fact ⁱⁿ this view that the compliance made and salary is paid to the applicant, we drop the proceedings and discharge the notices.


MEMBER (A)


MEMBER (J).