

18.10.2000

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

We have heard Shri Saumitra Singh learned counsel for the applicant and Shri prashant Mathur learned counsel appearing for the respondents.

This application has been filed for initiating contempt proceedings against the respondents for willful disobedience of the order dated 31.1.2000 passed by the Tribunal in OA No.1535/99. It may be noted that earlier interim order dated 20.12.99 passed on this OA was to the following effect:-

"The respondents are directed to maintain statusquo with regard to the recovery of arrears of pay being made from the applicant if any."

The order dated 31.1.2000 reads as under:-

"M.A.1/2000 is allowed. We are of the view that it is just and proper to direct the respondents not to make any further deduction from the applicant's salary. Accordingly, M.A. is disposed of."

The allegation is that even after the aforesaid order the deduction was made from the salary of January 2000 and onwards. Shri prashant Mathur has, however, placed reliance before us on the order dated 12.1.2000 passed by General manager(P) in which it has been clearly directed that, as directed by this Tribunal no deduction shall be made from the salary of the applicant. In view of the aforesaid order of 12.1.2000 we are of the view that there could not be willful disobedience of the order. The aforesaid order dated 12.1.2000 was passed in pursuance of the order dated 20.12.1999. The respondents have explained the shortage in payment of the salary to applicant on account of transfer of the applicant on becoming surplus from parent department. Considering the over all facts and circumstances, we are



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of the view that it cannot be termed to be a case of willful disobedience. The Authorities were careful and they passed orders for compliance of the order. However, in our opinion the ends of justice shall be served if the OA is decided finally at an early date. Shri Saumitra Singh submitted that respondents could not file counter till date. On this Shri Prashant Mathur has given an undertaking that counter affidavit shall be filed within two weeks and RA may be filed within one week thereafter. In view of the aforesaid statements we direct that OA No.1535/99 shall be listed for hearing on 28.11.2000.

Subject to aforesaid, this contempt petition is disposed of finally. Notices are despatched.


MEMBER(A)


VICE CHAIRMAN

Dated: 18.10.2000

Uv/