

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

ALLAHABAD

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CIVIL MISC. CONTEMPT APPLICATION NO. 36/2000

IN

ORIGINAL APPLICATION NUMBER 1709/1994

ALLAHABAD, THIS THE 05<sup>th</sup> DAY OF JANUARY, 2005

HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)  
HON'BLE MR. D.R. TIWARI, MEMBER (A)

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Buchan Sharma s/o Shri Vidhan Sharma,  
aged about 54 years, resident of KP-19,  
Triveni Bihar, New Cantt., Allahabad.

.....Applicant

(By Advocate : Shri S.S. Sharma)

V E R S U S

1. Lt. Gen A.N. Sinha, AVEM,  
Engineer-in-Chief,,  
Engineer-in-Chief's Branch,  
Army Headquarters, Kashmir House,  
DHQPO, New Delhi-110 011.
2. Major Gen. Prakash Suri,  
The Chief Engineer HQ Central Command,  
M.G. Road , Lucknow.
3. Shri R.K. Meena,  
Garrison Engineer/West,  
Allahabad.
4. Shri M.K. Mathur,  
Garrison Engineer/Bhuj.
5. Shri Markenday,  
Garrison Engineer,  
Nalliya.

.....Respondents

(By Advocate : Shri V.K. Pandey)

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, J.M.

This Contempt Petition has been filed for punishing

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the respondents for wilful dis-obedience of the order dated 07.01.2000 passed in O.A. No. 1709/1994. The following order was passed:-

" the respondents are, therefore, directed to re-fix the pay of the applicant on the post of Carpenter Grade-I in the pay-scale of Rs.260-400, during the period from March 1978 to 1981 and subsequently fix the pay under RPR-80 with all consequential benefits, within a period of three months from the date of communication of this order."

2. It is submitted by the counsel for the applicant that respondents have filed Writ Petition No.8288/2000 before the Hon'ble High Court against the order of Tribunal dated 07.01.2000 passed in O.A. No.1709/1994, which was dismissed vide order dated 03.03.2003. Review Application was also filed, which too was dismissed vide order dated 29.09.2003 by the Hon'ble High Court.

3. Respondents have filed counter affidavit after serving a copy to the applicant's counsel on 03.01.2005 but the same is not on record. We have gone through the counter placed before us by the respondents counsel along with Annexure 1 & 2. Learned counsel for the respondents invited our attention on para-11 of the counter affidavit and submitted that the total final payment of Rs.3,26,060/- has already been made to the applicant, which is admitted by the applicant's counsel also. He has also submitted that entitlement of ACP II has been approved by a Board of Officers to be convened by Chief Engineer, Lucknow Zone, Lucknow and the name of the applicant has also been included in that list.

4. We have heard counsel for both the parties and perused the counter along with Annexure Nos. 1 and 2 supplied by the respondents counsel. Perusal of the (Annexure-I) letter dated 06.11.2004 shows that the <sup>matter</sup> is under process and the individual

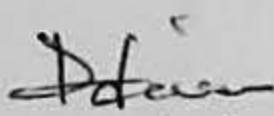
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will be granted II<sup>nd</sup> ACP immediately on receipt of concurrence on Board proceedings from Chief Engineer, Lucknow Zone Lucknow and it has already been conveyed to the applicant. Learned counsel for the respondents further stated across the bar that this exercise will be co-mpleted within 4 months accordingly, 4 months time has been granted, for which the applicant's counsel <sup>also</sup> ~~is~~ consented.

5. In view of the matter, we are of the considered opinion that the order of the Tribunal dated 07.01.2000 passed in C.A. No. 1709/94 has duly been complied with. Accordingly, the contempt petition is dismissed. Notices issued to the respondents are discharged. The applicant may get the CCA revive by moving application if the above exercise is not completed within 4 months.

  
Member (A)

  
Member (J)

shukla/-