

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of October, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. C.S. Chadha, Member- A.

Civil Contempt Application No. 114 of 2000.

IN

Orginal Application No. 159 of 1992.

Muhammad Sayeed S/o Late Sri Muhammad Wazeer
R/o Zahoor Building, Akbarpur, Allahabad.

.....Applicant

Counsel for the applicant :- Sri S.S. Sharma

V E R S U S

1. Sukhbir Singh, Ex Divisional Railway Manager, Northern Railway, Allahabad, presently posted as Chief Electric Distribution Engineer, Western Railway, Chuechgate, Mumbai.
2. A.P. Mishra, Divisional Railway Manager, Northern Railway, Allahabad.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 17 of the Administrative Tribunals Act, 1985, applicant has prayed to punish the respondents for wilfull dis-obediance of the order dated 30.03.2000 passed in O.A 159/1992. The operative part of the order is reads as under :-

....Contd.2

" We, therefore, find enough justification in the claim of the applicant seeking promotion to the post of Junior Draftsman in the scale of Rs. 330-560 (RPS 1200-2040) as revised from time to time. It is clear from the letter dated 09.08.89 (Annexure A-10) that the applicant had been discharging duty of Tracer as well as Junior Draftsman, the applicant is therefore entitled to be paid difference of salary of Junior Draftsman less the salary as drawn by him for the post of Tracer from 09.08.89 onwards. The respondents are directed to pay him these differences as well as consider him for promotion to Junior Draftsman after regularising his services as Tracer against the vacant post of Junior Draftsman in Kanpur or any other post which may be available in the division within a period of three months from the receipt of copy of this order from the applicant. There shall be no order as to costs."

2. Learned counsel for the applicant has submitted that though the applicant has been paid differences in salary as directed by the Tribunal but the applicant has not been promoted as Junior Draftsman. Learned counsel for applicant has also submitted that for promoting ~~as~~ Tracer as Junior Draftsman, scheme was introduced by the Railway Board vide order dated 25.06.1985. The case of the applicant is covered by clause- III of the scheme which is as follows :-

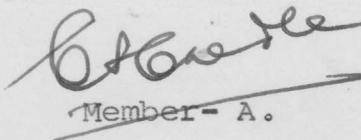
"III:- The balance non-qualified Tracer will be progressively promoted by upgrading their post as Junior Draftsman (Rs.330-560/-) as and when they complete five years of service or acquire the necessary qualification. The review will be done every six months commencing from 01.07.1986. "

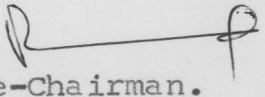
3. Thus, from the aforesaid scheme, it is clear that the review is to be done every six months. As the applicant has not been promoted at moment, he will be considered again for promotion when-ever there is vacancy. Sri S.S. Sharma, learned counsel for the applicant has submitted that vacancies are available but the respondents have not deliberately promoted the applicant and they are liable to be punished.

4. Sri A.K. Gaur, learned counsel for the respondents on the other hand has submitted that the respondents have complied with the direction of this Tribunal substantially and the remaining part relating to the promotion as Junior Draftsman could not be complied for want of vacancy. He has also submitted that respondents can be punished only when they dis-obey the order of this Tribunal. If the respondents have complied with the substantial part of the order, it can not be alleged that they had intention to dis-obey the order wilfully.

5. We have considered the submission of counsel for the parties and in our opinion, as the order has been substantially complied with, it is difficult to say that respondents have ^{had} ~~no~~ intention to comply the remaining part of the order. No case of contempt is made out. However, we hope that remaining part of the order relating to promotion will be complied with as mentioned above expeditiously. Subject to aforesaid, the contempt application is dismissed. Notices are discharged.

6. There will be no order as to costs.


Member-A.


Vice-Chairman.