

11-09-03

Hon'ble Mr Justice R.R.K.Trivedi, V.C.
Hon'ble Mr D.R.Tiwari, Member - A

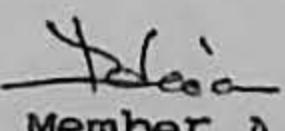
we have heard Shri L.M.Singh for the applicant and
Shri G.R.Gupta, learned counsel for the respondents.

By this Application under section 17 of Administrative
Tribunal Act, 1985, applicant have prayed to punish the
respondents for committing Contempt of this Tribunal by
wilful disobedience of direction contained in the order
dated 01.8.2001 passed in O.A.No.939 of 1995. The direction
given was as under :-

"... The O.A. is accordingly disposed of finally with
the direction to respondent no.3, Commandant, C.O.D.,
Kanpur to examine the cases of all the 24 applicants
and record the findings as to whether they were actually
engaged in packing work. If they are found to have been
engaged in the packing work, they will be given benefit
of the award dt.01.11.1985 within three months from the
date order is passed by respondent No.3. It is further
provided that the applicants shall be given full
opportunity to file evidence on which basis they may
show that they were engaged in packing work. "

It is not disputed that out of 24 applicants, 23
have been granted benefit of the Arbitration Award dated
01.11.1995. Only one applicant, namely K.K.Srivastava,
(applicant no.14), mentioned at serial no.18, has been left.

Respondents' counsel has submitted that he was working
in Salvage Section from 19.06.1985. Therefore, he could not
be granted benefit of award. Thus, there appears some ^{other} ~~other~~
obstacle in granting the benefit which is not clear from the
record. In our opinion, ends of justice shall be better
served, if applicant is granted liberty to make a
representation for claiming benefit of the Award that he
satisfies all the conditions. The representation so filed
shall be considered and decided by a reasoned order within
2 months from the date of receipt of a copy of this order
and the applicant if remains dis-satisfied, he may file fresh
O.A.. Subject to aforesaid, this Contempt Application is
rejected. Notices are discharged. No order as to costs.


Member A


Vice-Chairman

Brijesh/-