

11-09-03

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

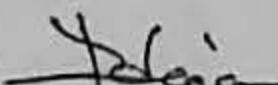
We have heard Shri L.M.Singh for the applicant and
Shri G.R.Gupta, learned counsel for the respondents.


By this Application under section 17 of Administrative Tribunal Act, 1985, applicant^s 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 Solvage 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/-