

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

CONTEMPT PETITION No.187/2002

IN

ORIGINAL APPLICATION No.1165/1994

FRIDAY, THIS THE 22ND DAY OF NOVEMBER, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI.. VICE CHAIRMAN

HON'BLE MAJ. GEN. K.K. SRIVASTAVA .. MEMBER (A)

Nageshwar Prasad,  
Aged about 60 years,  
S/o Late Pathru Ram,  
(Retd) Master Craftsman Maintainer,  
Karchana Railway Station,  
Northern Railway, Allahabad.  
R/o Village & P.O. Hirapatti,  
District Azamgarh. ... Petitioner  
(By Advocate Shri Sudhir Agarwal)  
Versus


1. S. Dashrathi,  
General Manager,  
Northern Railway,  
Baroda House, New Delhi.
2. Tarun Prakash,  
Senior Divisional Signal  
Tele-communication Engineer,  
Northern Railway, Allahabad.
3. Anurag Goel,  
Divisional Signal Telecommunication,  
Engineer, Northern Railway,  
Allahabad. ... Respondents  
(By Advocate Shri P. Mathur)

ORDER

Hon'ble Mr. Justice R.R.K. Trivedi, Vice Chairman:

We have heard Shri S. Agarwal for the applicant  
and Shri P. Mathur, learned counsel appearing for the  
respondents.

2. By this application under Section 17 of the A.T.  
Act, 1985, the applicant has prayed to punish the respon-  
dents for wilful disobedience of the order dated 25.8.2000,

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passed in O.A. No.1165/1994. The direction given by the Tribunal was as under:-

"In the light of the above discussion, the O.A. is allowed and the order dated 15.1.1993, passed by the respondents is quashed and set aside. The respondents are directed to grant all consequential benefits to the applicant within a period of four months from the date of communication of this order. However, it would be open to the respondents to conduct an inquiry afresh after supplying the documents to the applicant."

3. After hearing the learned counsel for the applicant, notices were issued to Respondents No.2 and 3 by order dated 19.9.2002. In response to the notices, the respondents filed counter reply taking the stand that the order has been complied with. Paragraphs 5 and 6 of the counter are relevant for the purpose. Shri P. Mathur, counsel for respondents has submitted that as the order has been complied with, the proceedings may be dropped.

4. The learned counsel for the applicant, on the other hand has submitted that the respondents have illegally denied the benefit to the applicant of arrears of salary though accepting his claim for promotion from 30.5.1996, on which date his junior was promoted as Master Craftsman Maintainer.

5. The reason given by the respondents is that as the applicant had not shouldered the higher responsibility, as such, the promotion will be on proforma basis and he is not entitled for arrears. Counsel for the applicant has placed reliance in a judgment of the Bangalore Bench of this Tribunal in the case of B.L. DESHPANDE Vs. DIVISIONAL RAILWAY MANAGER & ANR. (1997) 36 ATC 225 and has submitted



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that Para 228(i) of Indian Railway Establishment Manual Volume-I has already been quashed which was noticed in the aforesaid judgment and the view taken by the Respondents for denying the actual arrears<sup>of salary</sup> is not justified.

6. We have carefully considered the averments made by the counsel for parties.

7. It is not disputed that remaining part of the order had been complied with and the applicant has been paid dues for which he was entitled. The only grievance left is about arrears of difference of salary with effect from 30.5.1996 till 22.2.2001 as he has been granted promotion as Master Craftsman Maintainer in the scale of Rs. 5000-150-8000/-. The order of this Tribunal is for granting consequential benefits. Consequential benefits have not been quantified or specified in the order. It had been left to be determined by the respondents. If the respondents in this process have taken this view, it is difficult to say that it was <sup>by way of</sup> any wilful disobedience of the order. In the circumstances, it is difficult to hold them guilty of the contempt of this Tribunal. However, at the same time, it may be left <sup>open</sup> to the applicant to make a representation appraising the respondents about the correct legal position and raise a claim for arrears also in view of the judgment relied by counsel for applicant in the case of B.L. DESHPANDE Vs. DIVISIONAL RAILWAY MANAGER & ANR. (supra).

8. The contempt application is thus disposed of finally with liberty to the applicant to make a representation with regard to the part with which he is dis-satisfied which shall be considered and decided by the respondents within

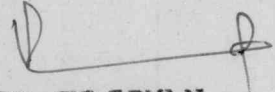


two months from the date of production of this order.

Notices <sup>are</sup> ~~is~~ discharged with no order as to costs.



MEMBER (A)



VICE CHAIRMAN

psp.