

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Civil Contempt Petition No.212 of 2002.

In

Original Application No.568 of 1997.

Allahabad this the 18th day of September 2003.

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

Hon'ble Mr.D.R. Tiwari, Member-A.

R.C. Tripathi (Retired Hon. Captain)
a/a 57 years son of Sri A.N. Tripathi
Presently working as Canteen Manager
Unit Run Canteen, 39-Gorkha Training Centre,
Varanasi Cantt.

.....Applicant.

(By Advocate : Sri Sudhir Agrawal)

Versus.

1. Brig. A.K. Chatterjee
Commandant, 39-Gorkha Training Centre
Varanasi Cantt Varanasi.
2. G.S. Bora, Lieutenant Colonel,
Unit Run Canteen Officer,
39- Gorkha Training Centre
Varanasi Cantt.
3. Major R.C. Sharma
Canteen Officer, 39-Gorakh Training Centre,
Varanasi Cantt, Varanasi.

.....Respondents.

(By Advocate :)

O_R_D_E_R

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

We have heard Sri S. Agrawal learned counsel
for the applicant.

2. By this contempt application filed under section
17 of Administrative Tribunals Act 1985, the applicant



has prayed to punish the respondents for wilful disobedience of the order dated 13.02.2002 passed in O.A No.568 of 1997. The direction given by the Tribunal was as under:

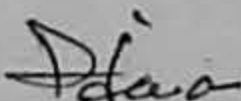
"Considering the facts and circumstances of the case, we hold that the status of the applicant is that of Government employee and the applicant having continuously served as a Canteen Manager nearly six years could not have been removed from the post in the arbitrary manner as has been done in the case. The action of the respondents in removing the applicant without following the procedure and principle of natural justice, is arbitrary and unreasonable. Consequently, we allow the O.A. and direct the respondents to treat the applicant as Government employee. The applicant will be treated in service on the post of Canteen Manager from 16.05.1997 and is also entitled for all consequential benefits as per rules. There shall be no order as to costs."


3. ~~From perusal of the aforesaid order~~, ^{u.O.A.} it is not disputed that applicant has been reinstated on the post of Canteen Manager by order dated 29.04.2002. He ^{also} has been paid Rs.2,19,052.50 as arrears of salary.

4. Learned counsel for the applicant submitted that amount paid to the applicant is sufficient but has not been paid according to the scale. We are convinced that the order has been substantially complied with. ^{u.O.A.} The Tribunal ~~does~~ not disclose the scale hence it is difficult to say that there is wilful dis-obedience of the order of this Tribunal.

5. In the circumstances, the contempt application is rejected. However, if applicant is dissatisfied, he may file fresh O.A. for appropriate direction regarding scale of pay, applicable to the applicant. Application is accordingly rejected. Notices are discharged.

6. There shall be no order as to costs.


Member-A.


Vice-Chairman.