

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

CIVIL CONTEMPT PETITION No.50 of 2002

IN

ORIGINAL APPLICATION No.508 of 2000

TUESDAY, THE 1st DAY OF OCTOBER, 2002

HON'BLE MR. S. DAYAL, MEMBER(A)

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

1. Hori Lal, son of Sri Todi Lal, working as Fireman-I, under section engineer, North Eastern Railway, Bareilly City.
2. Prem Prakash Sharma, son of Sri Maha Nand Sharma, working as Fireman-I, Under Crew Controller, North Eastern Railway, Pilibhit.
3. Ram Nath, son of Shri Mahendra Pal
4. Ramesh Chandra Sharma, son of Shri Ram Chandra Sharma.
5. Radha Krishna, son of Shri Junni Lal

All three working as Fireman-I, under Senior Section Engineer, North Eastern Railway, Bareilly City. ....Applicants

Counsel for the applicant Shri C.P. Gupta

V E R S U S

1. Shri R.N. Melhotra, Chairman, Railway Board, Railway Bhawan, New Delhi.
2. Shri V.K. Garg, General Manager, North Eastern Railway, Gorakhpur.
3. Shri H.S. Punnoo, Divisional Railway Manager, North Eastern Railway, Itanagar. ....Respondents

Counsel for the respondents Shri K.P. Singh.

O R D E R

Hon'ble Mr. S. Dayal, Member (A)

This Contempt Petition was filed for wilful

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disobedience of the directions given in O.A. No.508/2000 by order dated 15.05.2001, the directions were to the effect that orders in changing the pay fixation of the applicants were set aside with liberty to respondents to pass fresh order and recovery of over payment was not permissible in the light of the judgment of the Apex Court. The respondents were directed to refund the amount.

2. The arguments of Shri Apand Kumar brief holder of Shri C.P. Gupta, learned counsel for the applicant and Shri K.P. Singh, learned counsel for the respondents have been heard.

3. Learned counsel for the respondents has mentioned in Counter Reply that the recovery affected from the applicants have been refunded.

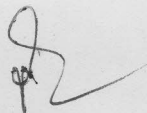
4. The learned counsel for the applicants contest the claim of the respondents that full compliance has been made by stating that the applicants salary has not been restored to the level before their pay was revised, inspite the setting aside of orders of change in pay fixation. The learned counsel for the applicant has claimed<sup>✓</sup> that the applicants are getting pay at the<sup>pre</sup> revised<sup>✓</sup> level right from the date of passage of the order in the O.A. till date.

5. The learned counsel for the respondents states that respondents have no intention to disobey the order of the Tribunal and undertakes the restoration of the applicants<sup>as ✓</sup> pay<sub>✓</sub> was fixed at the level before the pay fixation was revised as also payment of difference in salary. It is made

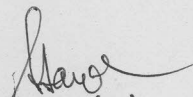


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clear that the respondents will be given their rights to  
recover this part of payment from the date of the order in OA<sup>1</sup>  
in case, the pay of the applicants is changed to a lower  
level. The Contempt proceedings are dropped with the above  
observations and the notices are discharged.



Member (J)



Member (A)

shukla/-