

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Contempt petition No. 58 of 2002.

In

original Application No. 33 of 2001

this the 26th day of November 2002.

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

HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

Rajpal, S/o Sri Munna Ram, R/o 636, Kamla Nehru Nagar, Ghaziabad.

Applicant.

By Advocate : Sri Yar Mohd.

Versus.

1. Sri R.U Ahmad, Director, Pharmacopoeial Laboratory for Indian Medicine (Ministry of Health & Family Welfare) CGO Complex, Kamla Nehru Nagar, Ghaziabad.

Respondent.

By Advocate : Sri p. Krishna.

ORDER (ORAL)

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

This contempt petition has been filed for wilful disobedience of the order of this Tribunal dated 15.3.2002 in O.A. No. 33 of 2001 by the respondents.

2. It is claimed that despite the fact that the applicant approached the respondents to comply with the order of the Tribunal, the respondents have taken no steps.

3. We have heard Sri Yar Mohd., counsel for the applicant and perused the pleadings on record.

4. We find from the Counter reply filed by the respondents that the order of the Tribunal was challenged by the respondents by filing writ petition bearing no. 21699 of 2002. The said writ petition was partly allowed by quashing the direction issued by the Tribunal to the effect that the final decision

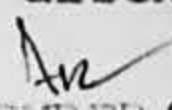


on the basis of the enquiry report be taken and permitted the respondents to take an appropriate action on the enquiry report in accordance with law preferably within three months. The High Court also quashed the other direction regarding taking steps to punish Sri R.U. Ahmad. The order of the Tribunal in so far as it directs reinstatement of the respondent no.2 was, however, maintained. In pursuance of the order dated 24.7.2002, a copy of which was made available to the respondents on 5.8.2002, the applicant was allowed to be reinstated as Safaiwala w.e.f. 21.8.2002 subject to taking an appropriate action on the enquiry report in accordance with law.

5. The learned counsel for the applicant mentions that the applicant was allowed to attend the office regularly from 2.7.2002 without passage of any order of reinstatement. The order of reinstatement was passed on 20.8.2002 and by order dated 21.8.2002 the applicant was posted to work in Chemistry Section. It has been claimed in the Rejoinder that the applicant is not being paid any salary for his work from 2.7.02 to 21.8.2002 and he has just been paid the subsistence allowance till 20.8.2002 .

6. We find that the order of the Tribunal as modified by the order of the High Court has been complied with. The question regarding non-payment of salary is raised in the Rejoinder. The Rejoinder affidavit was affirmed on 28.9.2002 and filed on 3.10.2002.

7. Since the reinstatement of the applicant only w.e.f. 21.8.2002 and the applicant would have been entitled the salary for full month of September'2002 only in October, we ^{can} ~~do~~ expect that the applicant is in receipt of pay from October'2002 onwards. Incase, he is not in receipt of the same, he can raise this issue afresh. We do not consider it necessary to continue the contempt proceedings, which are dropped and notice issued to the respondent is hereby discharged.


MEMBER (J)


MEMBER (A)

GIRISH/-