

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF SEPT.2003

Civil Contempt Petition No.98 of 2003

CORAM.

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.D.R.TIWARI, MEMBER(A)

Surendra Singh Sisodia, a/a 40 years
Son of Shri Ram ratan Singh,
presently residing at P-48/14,
Type III, Raksha Vihar Colony,
Shyam nagar, Kanpur -13

.. Applicant

Versus

1. Shri S.K.Parti, Joint Secretary
Ministry of Defence, Production
and Supply, Govt. of India,
New Delhi.
2. Shri A.P.Jain, Director of
Quality Assurance, Directorate
General of Quality Assurance
Department of Defence Production
and Supplies, Ministry of
Defence, Govt. of India, D.H.Q, P.O.
New Delhi.
3. Brig.B.B.Murthy, Controller,
Controllorate of Qualaity Assurance
(Textile & Clothing, Cantt,
Kanpur.

.. Opp. Parties

O R D E R

JUSTICE R.R.K.TRIVEDI,V.C.


This application has been filed for punishing respondents for committing contempt of this Tribunal, ^{the} ~~the~~ for willful disobedience of the direction given by this Tribunal dated 9.5.02 passed in OA No.925/95, which ^{was} ~~was~~ as ^{under:-}

"In the circumstances, we feel that a wrong ground has been given for not appointing the applicant merely saying

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that there was no vacancy when two vacancies in the general category were advertised. We notice that vide an interim order dated 18.9.1995 this Tribunal kept one post vacant for the applicant. Since no other claimant has come forward to claim that post and since the applicant was found fit and kept on the waiting list, the respondents are directed to appoint him on the said post from the date the three vacancies were supposed to be filled as per advertisement in March, 1995 i.e. one post kept vacant for him should be filled by him and none other. he shall also be entitled to consequential benefit of pay and seniority. The OA stands disposed of accordingly. No order as to costs."

Shri M.K.Upadhya learned counsel for the applicant has submitted that in pursuance of the aforesaid order respondents passed an order dated 5.2.03 by which applicant has been given appointment as Chargeman grade II w.e.f. 1.1.1996 on Rs 5000/- per month and granted notional increment till 2003. However, the respondents have refused to pay arrears of pay on the principle of 'no work no pay'. Counsel for applicant submitted that applicant was entitled for arrears of pay also and as his arrears of pay has not been paid, the respondents have committed contempt. We have perused the order of this Tribunal. As is clear from the order quoted above, the direction was that applicant shall be entitled to consequential benefits of pay and seniority. The direction was not for consequential benefits of arrears of pay. The benefit of pay as consequence of appointment

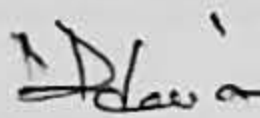


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shall start from the date of appointment, thus there is no direction for payment of arrears of pay. The Tribunal only granted seniority to the applicant. In the circumstances, it is difficult to say that any contempt has been committed by willfull disobedience of the order.

From perusal of the order, it is possible to ^{have} ~~give~~ ^{an impression} ~~interpretation~~ that arrears of pay are not ^{payable} ~~applicable~~.

In these circumstances, when the position is doubtful, it cannot be said that contempt has been committed. The contempt application is rejected. However, applicant if so advised, may raise the question of payment of arrears of salary in original side. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 4th Sept.2003

Uv/