

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Contempt Application No. 79 of 2003

In

Original Application No. 805 of 1996

Allahabad this the 26th day of April, 2004

Hon'ble Mr. Justice S.R. Singh, Vice Chairman
Hon'ble Mr. D.R. Tiwari, Member (A)

Ram Krishna Verma S/o Late K. Singh, R/o Village Tatiri,
Post Office-Agarwal Mandi, Distt. Bagpat U.P.

Applicant

By Advocate Shri K.P. Srivastava

Versus

Smt. Neelam Srivastava, Chief P.M.G., U.P., Lucknow.

Respondent

By Advocate Km. Sadhna Srivastava

O R D E R (Oral)

By Hon'ble Mr. Justice S.R. Singh, V.C.

The Tribunal by its Judgment and Order dated 04.06.2002 allowed the O.A. preferred by the applicant for redressal of his grievance in the matter of promotion from Lower Selection Grade to Higher Selection Grade.

Operative portion of the order reads as under:-

"In view of our aforesaid discussions, the O.A. is allowed. We direct the respondent no.3 i.e. C.P.M.G., U.P. Circle Lucknow to consider the case of the applicant for his promotion to HSG from the date when his juniors were promoted during 1988 and 1989. The applicant shall be entitled to all consequential benefits with retrospective effect including promotion to HSG I cadre. The pay of the

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applicant on promotion will be fixed notionally and he will not be entitled for any arrears. However, he shall be entitled to increase in the retiral benefits on the basis of his notional pay. This direction shall be complied with within a period of 4 months from the date of communication of this order."

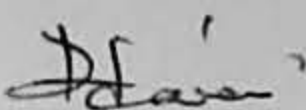
2. In the purported compliance of the aforesaid order passed by the Tribunal, the Post Master General passed an order dated 08.12.2003, thereby promoting the applicant in H.S.G. II w.e.f. 09.08.1989 i.e. the date of promotion of his junior Shri R.B. Singh in this cadre. It has been provided in the order dated 08.12.2003 that the applicant would be entitled to notional pay fixation in the promoted grade i.e. H.S.G.-II cadre without any arrear of pay and allowances. By another order dated 22.01.2004 the applicant has been promoted to H.S.G.-I cadre w.e.f. 17.06.1998, i.e. the date of promotion of his junior Shri R.K. Goswami in the said cadre with the rider that the applicant would be entitled to the benefit of notional pay fixation in the promoted grade i.e. H.S.G.-I without any arrears of pay and allowances. The contention of learned counsel appearing for the applicant is that the applicant ought to have been promoted w.e.f. the date when Shri R.B. Singh was promoted to said cadre.

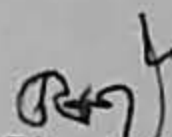
3. It is clear from the Tribunal's order dated 04.06.02 that there was no specific direction by the Tribunal to promote the applicant to H.S.G.-I w.e.f. the date when Shri R.B. Singh was promoted. Rather the direction was "to consider the applicant" for promotion. Accordingly, we are of the view that it is not a case of wilful disobedience or non-compliance of the order..pg.3/-

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passed by the Tribunal. In case the applicant is aggrieved by the order dt.22.01.2004 or 08.12.2003, the remedy is to approach the Tribunal on original side.

4. Therefore, contempt application is dismissed without prejudice to the right of the applicant to approach the Tribunal on the original side, **if** he feels aggrieved by the order dated 22.01.2004 or 08.12.2003. Notices issued to the respondent is discharged. No order as to costs.


Member (A)


Vice Chairman

/M.M./