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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CONTEMPT APPLICATION NO.71/06
IN
ORIGINAL APPLICATION NO.1552/2005

Allahabad this the 20th day of November, 2006

HON'BLE DR. K.B.S. RAJAN, J.M.
HON'BLE MR. P. K. CHATTERJI, A.M.

Hari Shankar Prasad,
Son of Sri Manik Chand,
Aged about 40 years,
Resident of Village Chhitam pur,
Post-Chaubepur, District-Varanasi.

.....Applicant.

(By Advocate Shri O. P. Gupta)

Versus

1. Shri Ashutosh Tripathi,
Post Master General,
Allahabad Region, Allahabad.

.....Respondents/Contemnors

(By Advocate Sri S. Singh)

O R D E R

HON'BLE DR. K.B.S. RAJAN, J.M.

Order dated 30.03.2006 in O.A. No.1552/05, was passed mandating the respondents (a) to reinstate the applicant within seven days of the receipt of the order (b) to pay the arrears of salary alongwith a cost of Rs.3000/- within two months of reinstatement passed. The applicant has filed CCA no.71/06 on 22.05.2006 and according to the applicant it is,

thereafter, that the respondents filed writ petition no.35342/06 and the Hon'ble High court has passed the following order on 12.7.2006.:-

"Supplementary affidavit filed today be placed on record. The certified copy of the Tribunal's order is taken on record.

Sri O.P. Gupta who has filed caveat on behalf of the respondent no.1, prays for and is granted three weeks to file the counter affidavit. Rejoinder affidavit, if any, may be filed within 10 days thereafter.

List thereafter.

As an interim measure, the order of the Tribunal in so far as it directs payment of arrears to the respondent no.1 shall remain stayed. It is made clear that the direction regarding reinstatement has not been stayed."

2. The applicant's counsel submitted that despite the above direction of the Hon'ble High court, which clearly stipulates that the direction regarding reinstatement has not been stayed and despite the above order having been passed on 12.7.2006 itself, the respondents passed order for reinstatement only on 02.08.2006 and the applicant, could join as EDMM on 04.08.2006. It is the case of the applicant that even thereafter the respondents did not make any payment for a period of service served after reinstatement and it is only after direction for personal appearance of the P.M.G. was passed by this Tribunal on 14.9.2006, that the respondents started taking action to make the payment of salary to the applicant. Here again, there has been a controversy relating to the refusal or otherwise of the applicant in relation to payment of salary of the applicant and lastly the respondents has taken recourse to remittance to the amount of salary to the applicant which the applicant has since

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received. The counsel for the applicant vehemently argued since the order of reinstatement has not been stayed by the Hon'ble High Court, it must be construed that there has been a deliberate dis-obedience of the order of this Tribunal from the date of expiry of the time calendared for the Tribunal till the date of reinstatement.

3. We have considered the contention of the applicant. May be, there would have been some delay in approaching the Hon'ble High Court but since the High Court's order has not spelt anything about non reinstatement of the applicant till 12.7.2006, any delay till then in passing order relating to reinstatement cannot be considered as deliberate. From 12.7.2006 the applicant could have been reinstated by taking prompt action but action was taken only on 02.08.2006 and the applicant got reinstated on 04.08.2006. The respondents could have acted a little more fast, but the inaction, we do not view, as any deliberate dis obedience of the order dated 30.03.2006. As regards payment of salary, since the applicant has now received the payment through money order, the order has been complied with. It is certainly hoped that the respondents will not take recourse to Money Order regarding payment of salary in future and payment shall be made in the normal way to the applicant.

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4. The CCA is closed and notices issued are discharged.

meat

Member-A

Bob

Member-J

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