



**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

**Civil Contempt petition No.7/2005
In
Original Application No.448/1996
This the 23rd August, 2012**

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Hon'ble Mr. S.P. Singh, Member (A)

Jagannath, aged about 38 years, son of Sri Surya Bali Yadav, resident of Village Karanpur, P.O. Sarai Kans Rai, District Bhadoi.

...Applicant.

By Advocate: Sri Surendran P.

Versus.

1. Sri R.R. Jaruhar, General Manager, Northern Railway, Baroda House, New Delhi.
2. Sri Jaideep Rai, Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

.... Respondents.

By Advocate: Sri S. Verma.

ORDER (Oral)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

This C.C.P. is 7 years old. On 09.8.2012, a Supplementary Compliance Report was taken on record. Its copy was already given to the other side but no reply/objection was filed. However, on that date, on the request of learned counsel for the applicant, the case was adjourned to 22.08.2012. On 22.08.2012, the learned counsel for applicant was again on leave. Therefore, it was fixed for today.

AS

2. Today, Sri Surendran P, says that he has prepared the reply/objection against the supplementary compliance report but affidavit could not be sworn.
3. As the matter is quite old, we are examining as to what is the contention of the respondents in respect of compliance.
4. The Supplementary Compliance Report has been sworn by Sri Awadhesh Kumar, presently posted as Divisional Personnel Officer, Northern Railway, Lucknow. It has been averred in this affidavit that pursuant to the Hon'ble Tribunal order passed in O.A.No.448/1996, the applicant has been posted as Signal Khallasi Pay band Rs.5200-20200, Grade Pay Rs.1800/- instead of Traffic Porter due to non-availability of vacancy of Traffic Porter. Subsequently, on availability of vacancy in the post of Traffic Porter, the applicant has since been posted as Traffic Porter in the above scale by means of Office order dated 05.08.2011 and he has been posted under Station Superintendent, Northern Railway, Babatpur. Moreover, his seniority has also been fixed in the seniority list of Porters. He stands at Serial No.355 above his junior Sri Sunder Lal, Porter. Further, his salary has also been fixed in the pay scale of Rs.750-940 (RPS)/Rs.2500-3200 (RSRP) with effect from 02.02.1996 i.e. the date of regularization of his junior Sri Sunder Lal, Porter, Janghai. The present pay of the applicant is fixed in the Pay Band-1 Rs.5200-20200, Grade Pay Rs.1800/- @ Rs.7890/- per month. The photocopy of the Office order dated 20.09.2011 has also been placed at Annexure-SCR-2. In the last, it has been said that there has been delay in compliance due to the reasons beyond the control of the deponent, which is deeply regretted.



5. We have also gone through the un-singed reply/objection, which has been prepared by the applicant against this supplementary compliance report. The only pith and substance of this objection is that entire payment of arrears of salary has not been made. It is true that actual payment has not been made as conceded by Sri S. Verma, learned counsel for the other side. But, he hastens to add that an amount of Rs.93,000/- plus has been worked out as arrears, which shall be paid to the applicant alongwith the salary of August, 2012.

6. In view of the above, this C.C.P. is struck off in full and final satisfaction. However, if the correct payment of arrears is not made as stated by the other side, the applicant can move a revival application. Notices stands discharged for the present.

S.P.Singh
(S.P. Singh)
Member (A)

Alok Kumar Singh
(Justice Alok Kumar Singh)
Member (J)
 23.8.11

Amit/-

C.C.P.No.7/2005
In
O.A.No.448/1996

Dated:-23.08.2012.

Hon'ble Sri Justice Alok Kumar Singh, Member (J)
Hon'ble Sri S.P. Singh, Member (A)

For Applicant:-Sri Surendra P.

For Respondents:-Sri S. Verma.

Heard. order dictated separately.


Member (A)


Member (J)

~~OR~~
~~Cecily J. Sandhu~~
~~dated 23.8.12~~
~~by~~
~~27.8.2012~~

Amit/-