

Central Administrative Tribunal, Lucknow Bench, Lucknow

CCP No. 36/2006 in Original Application No.285 /2005

This the 26 day of October, 2009

Hon'ble Ms.Sadhna Srivastava, Member (J)

Hon'ble Dr. A.K. Mishra, Member (A)

Badri Singh aged about 51 years son of Ragho Singh Chaukidar Temporary status at par Group D Pallia, District-Kheri.

Applicant

By Advocate: Sri R.S. Gupta

Versus

1. R.R.P.Singh , P.M.G, Bareilly

Respondents

By Advocate: Sri S.P.Singh.

ORDER

Hon'ble Ms. Sadhna Srivastava, Member (J)

CCP No. 36/2006 has been filed alleging non-compliance of the direction given in O.A.No. 285/2005 decided on 21.6.2005.

2. The facts are that the applicant was initially employed as casual labour to work as Chowkidar in the year 1975. He was conferred temporary status in the year 1989 and after 3 years of continuous service given benefits at par with Group 'D' employee. The controversy in question is whether he has to be treated as regular Group 'D' or a casual labour with temporary status for payment of bonus. The applicant claims bonus as payable to Group 'D' employee. The contention of the department is that the applicant has been conferred temporary status with same benefits as that of Group D employee; that the rate of bonus payable to Group 'D' employee is not the same as payable to casual employee with temporary status. The respondents have consulted the Ministry about the rate of bonus payable to the applicant before issuing the recovery order dated 19.4.2004. Thus, this is the real controversy which has not yet been



adjudicated in respect of the above issue .This Tribunal while sitting in contempt jurisdiction cannot adjudicate the controversy and order refund of Rs. 8807/- as desired.

3. This Tribunal in contempt jurisdiction is only concerned whether the direction of Tribunal in O.A. No. 285/2005 has been willfully disobeyed as claimed by the applicant . On perusal of record we find that in the first instance , PMG Bareilly Region , Bareilly directed SPOs Kheri to pass an order on the representation of the applicant dated 23.6.2005 but subsequently, PMG, Bareilly Region has also passed an order dated 7.10.2009 which is available on file of Misc. Petition No. 1835/2008. In the circumstances, we are of the opinion that the direction of the Tribunal in O.A. No. 285/2005 has been duly complied with. The issue as referred to above can only be decided by the Tribunal as and when an O.A. is filed in respect thereof.

4. Resultantly, CCP is dismissed.

A. K. Mishra 26/10/09
(Dr. A.K.Mishra)
Member (A)

S. Srivastava
(Ms. Sadhna Srivastava)
Member (J)

HLS/-