

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD LUCKNOW CIRCUIT BENCH.

Contempt Petition No. 6 of 1990 (L)
IN

Registration T.A. No.1105 of 1987 (L)

Dinesh Chandra Misra Applicant
Versus

V.K.Agarwal & Another Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C. Hon. K. Obayya, Member (A)

(By Hon. Mr. Justice K. Nath, V.C.)

This application under Section 17 of the Administrative Tribunals Act, 1985 is for punishing the opposite parties for alleged disobedience of this Tribunals judgement dated 24.10.89 in T.A. No. 1105 of 1987.

- petition had to be filed because the applicant was reverted from the post of Head Ticket Collector to the post of Ticket Collector and was also required to appear at a suitability test examination. The Tribunal quashed the reversion order, Annexure-9 dated 23.12.82 and also directed the opposite parties to the petition to regularise the services of the applicant as Head Ticket Collector in accordance with law. and also to grant him such consequential benefits as may be admissible to the applicant.
- 3. It is not disputed that after the judgement of this Tribunal, the applicant had not been posted to lower post of Ticket Collector. There is no disobedience



therefore in so far as the order quashing reversion is concerned.

The grievance of the applicant is that his regularisation as Head Ticket Collector should have been made effective from 1.7.81 and not from 1.1.84 as done by order dated 2.2.90, Annexure-3 which purports to be order of the opposite parties in compliance of the judgement of the Tribunal. The learned counsel for the applicant says that in paras 8 & 9 of the judgement it had been indicated that there was a circular of the Railway Board under which regularisation was to be done with effect from the date of completion of 18 months of Adhoc service and since the applicant had been promoted Adhoc as Head Ticket Collector on 1.1.80 he should have been regularised as such with effect from 1.7.81. The important angle to be taken care of is that in contempt proceedings what has to be seen is the compliance of the judgement of the Tribunal as it stands and not from what follows from the judgement. Although the judgement refers to the circular of the Railway Board which appears to have mentioned that regularisation may be done from the date of completing 18 months Adhoc service, the judgement itself does not say that the applicant must be regularised with effect from 1.7.81. The judgement only said that the applicant will be regularised in accordance with law. What the law is has been indicated, according to the opposite parties' understanding, in the alleged order of compliance, Annexure-3.

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Whether the appreciation of law has been correct or not is beyond the scope of contempt proceedings because contempt in order to be punishable must be deliberate and intentional. Wherever a bonafide doubt about a legal position arises, it cannot be said that the administrative action is in deliberate or intentional violation of the judgement of the Tribunal. The applicant may have his cause separately by another application under Section 19 of the Administrative Tribunals Act, 1985; but the controversy on this point is outside the scope of contempt proceedings.

- The learned counsel for the applicant further says that the placement of the applicant in the grade of Rs. 330-560 by the compliance of the order, Annexure-3 is incorrect. The contention is misconceived. Annexure-3 clearly mentions that the applicant was being regularised in the upgraded post of Head Ticket Collector in the grade of Rs. 425-640(RS) . The reference to the grade of Rs.330 - 560(RS) is not for fixation of his salary in the post of Head Ticket Collector but is only an indication of his seniority which has been taken into account for the purposes of regularisation and further promotion.
- We are satisfied that no case for contempt has been made out. The petition is dismissed.

ber (A) Vice Chairman

Dated the 22nd Feb., 1990.

RKM