

**Central Administrative Tribunal, Lucknow Bench,  
Lucknow  
C.C.P. No. 93/2009**

**In**

**Original Application No. 256/2006**

This the 10<sup>th</sup> day of December, 2009

**Hon'ble Ms. Sadhna Srivastava, Member-J**  
**Hon'ble Dr. A.K. Mishra, Member-A**

Basant Ballabh Tewari son of Late Sri Anand Ballabh Tewari, resident of Mohalla-Rathindra Nagar, Post-Kharika, Telibagh, Lucknow.

**Applicant**

By Advocate Sri N.N. Jaiswal.

**Versus**

1. Brig. Gautam Ghosh, Commandant, Armed Force Medical Store Depot, Lucknow.
2. Lt. Gen. N.K. Parma, Director, AFMS (Planning), Ministry of Defense, M-Block, New Delhi.

**Respondents**

By Advocate Sri S. P. Singh.

**Order (Oral)**

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

The instant contempt petition has been filed alleging non-compliance of the order-dated 16<sup>th</sup> December 2008 passed in O.A. No. 256/2006. This Tribunal directed the respondents to re-examine whether monetary benefits by way of arrear pay due on promotional posts were given to Smt. Nirmal Choudhary while allowing consequential benefits of promotion on retrospective basis. If such is the case as has been represented in the present O.A., then the applicant should also be granted similar monetary benefits. If on the other hand,

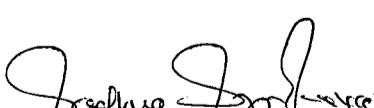


Smt.. Choudhary had got only notional promotions, then the applicants will not have any case.

Show cause reply has been filed by the respondents stating therein that in compliance of the order of the Tribunal, the case of the applicant was reexamined and as per record Smt. Nirmal Choudhary was promoted under normal DPC procedure and no arrears of monetary benefits were granted to her. Therefore, the applicant was also not granted arrears of monetary benefits. The copy of the order dated 25<sup>th</sup> March 2009 is on record as Annexure CA-1. On perusal of the order dated 25<sup>th</sup> March 2009 issued by the competent authority, it appears that after verification of the record, it was found that Smt. Nirmal Chaudhary was not allowed the arrears of monetary benefits. Therefore, the applicant is not entitled for any arrears of monetary benefits. This Tribunal directed the respondents in case, arrears have been allowed to Smt. Nirmal Choudhary then the same should be paid to the applicant. The order dated 25<sup>th</sup> March 2009 clearly shows that the Nirmal Choudhary was not paid any arrears as she was promoted under normal DPC procedure.

The order passed by this Tribunal has been complied with and no case for contempt is made out. Accordingly, C.C.P. is dismissed. Notices issued stands discharged.

  
 (Dr. A. K. Mishra)  
 Member (A)

  
 (Ms. Sadhna Srivastava)  
 Member (J)

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