

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Contempt Petition no. 105 of 2009

In re.

Original Application No. 93 of 2007

This the 29th day of August, 2011

Hon'ble Mr. Justice Alok Kumar Singh , Member-J
Hon'ble Mr. S.P. Singh, Member-A

Smt. Arti, Aged about 35 years, W/o of Sri Ram Murti, CP
Waterman-cum-Farras Rudauli, District Barabanki R/o Mohalla
Nayaganj, Rudauli, District Barabanki

.....Applicant

By Advocate : Sri R.S. Gupta

Versus.

1. Sri O.P. Singh, SPM, Rudauli, Barabanki.
2. Sri P.P. Shukla, SSPOs, Faizabad.

.....Respondents

By Advocate : Sri S.P. Singh

ORDER (Oral)

By Justice Alok K Singh, Member-J

M.P. No. 2094/11: This is an application that Sri O.P. Singh, respondent no.1 has been transferred. But the applicant has not disclosed the date. More-over, it is further said that Sri P.D. Shukla, respondent no.2 has been retired. Again the date has not been disclosed. This application is opposed from the other side on the ground that the compliance of the order of this Tribunal has been made and there is no sense for keeping this Contempt petition pending. An objection has also been filed against the compliance report.



2. We have gone through the compliance report, Objection against the compliance report and also the pleadings of the O.A. which has been clubbed alongwith this petition.

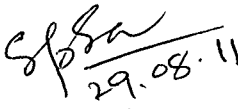
3. The only relevant document regarding the wages filed by the applicant appears to be Annexure A-1 which shows that as on July, 2006, she was getting an amount of Rs. 2051/-. The order in question shows that the oral order of reduction of wages & allowances of the applicant from August, 2006 shall be treated as non-est and such wages and allowances shall be restored which she was getting in the month of July, 2006 alongwith other consequential benefits.

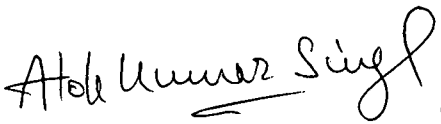
3. In compliance of the aforesaid order, the respondents have specifically stated in para 2 of the Compliance Affidavit that the arrears of wages has already been paid to the applicant by the Sub-Post Master, Rudauli, Faizabad on 27.6.2011 to the tune of Rs. 44256/- as has been informed by Sub Postmaster, Rudauli vide letter dated 27.6.2011 (Annexure -1). It has been further clarified that this has been done after restoring the wages. Receiving of the aforesaid payment has not been denied by the applicant. Further, it is mentioned in Annexure -1 to the Compliance Report that the applicant had not performed the work in May, 2007 and July 2007 to March, 2008. This has also not been controverted by the applicant in his Reply/Objection. But in the Reply/Objection, it has been said that the entire consequential benefits have not been paid. It has also been said that the applicant is entitled for 50% of minimum wages admissible to Group 'D' employee with DA etc. paid off weekly on Sunday for which nothing has been paid. Further, it has been said that all C.P. employees in the Post & Telegraph Department have been treated as casual labour/part time casual labour and their wages have been ordered to be paid at the rate of minimum of Group 'D' scale plus all the usual allowances like DA, HRA, CCA etc. admissible to Group 'D' employee from time to time. But, nothing has been brought on record in support of this contention. Moreover these contentions have not been pleaded even in the O.A. It goes without saying that this Tribunal while sitting in contempt jurisdiction cannot permit the applicant/petitioner to travel beyond the ambit of the pleadings contained in the O.A. Further,

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while sitting in contempt jurisdiction, this Tribunal cannot go behind the main order passed in the O.A. Learned counsel for the applicant has not filed any document/authority to substantiate his contention mentioned above. As mentioned hereinbefore, the only document which has been filed by the applicant is Annexure no.1 alongwith the Contempt petition wherein as on July, 2006, the total amount mentioned is Rs. 2051/- and on that basis, the arrears has already been paid to the applicant as said in the Compliance Report. It is no-where refuted or controverted that the arrears has not been paid in accordance with the aforesaid rate. The rest of the contentions suffer from ambiguity as said above.

4. Finally, therefore, this Contempt petition stands disposed of. Notices issued to the respondents are discharged.


29.08.11
(S.P. Singh)
Member-A


29.8.11
(Justice Alok K Singh)
Member-J

Girish/-