

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

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Contd. No. 24/91 (L)

In
T.A. No. 662/87

D.N. Dass & Others.....Applicants
A.S. Bhatnagar & Others.....Respondents.

Dated: 26.4.93

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. V.K. Seth, A.M.

In this case the application was decided with certain reliefs. The application was abated against the applicant no. 1. The Tribunal decided the case on 29/8/90 and directed that the case of these applicants:-

"Shall be considered, in the light of the circular letter of the Railway Board dated 26-12-70, regarding upgradation of the post of Boiler Maker Mistry grade II to B.M.M. grade-I to the extent of 12 posts in Lucknow Division and if any of the petitioners except petitioner No.1 are entitled to promotion then they should be given that benefit from January 1971 with temporary monetary and consequential benefits including seniority and promotion for the next post of Boiler Makers Chargemen within a period of three months from the communication of this order."

After several months, the applicants approached this Tribunal making complaint that notwithstanding the fact that even though representations have been made in this respect, the respondents did not make compliance with the directions of this Tribunal which enjoined a duty upon them to consider the case of the applicant in the light of the Railway Board's circular and also to consider their case as to whether they are entitled to promotion and other benefits enumerated in the judgement.

In response to the notice issued to the respondents by this Tribunal the counsel for the respondents put in an appearance and filed statement in which it has been stated that the matter has been delayed because in this case earlier Review Application was filed and after the disposal of Review Application it was decided to file S.C.P. but it

appears that the S.L.P. was not filed. Subsequently a supplementary affidavit was filed on 8/7/92 explaining the reasons for the delay and stating that the directions have been complied with. In the affidavit it has been stated that in order to comply with the directions of the judgement, after getting the financial concurrence of the Accounts Department, a proposal was sent to the Head Quarters of obtaining sanction of the General Manager for creation of a supernumerary posts which was subsequently obtained, and after sanction was obtained, a proposal was sent for giving promotion to the applicants from the posts of B.M.M.I Grade-II to B.M.M.I and it was thereafter that these applicants were promoted and allowed the higher pay scale in the supernumerary posts created by the General Manager vide letter dt. 16.6.82. Further promotion from the post of B.M.M.I to the post of chargemanent will be through the process of selection in terms of Railway Board's letter dated 2/7/87 and thus the directions given by the Tribunal have been complied with. The applicant filed an objection against the same, and according to them the question of seniority and monetary benefits still remains to be decided though they have ~~been~~ admitted that directions have been given. Thus the complaint of the applicant is that since the respondents decided to promote the applicants, now they have to comply with the other part of the order also as the matter has been decided and promotions have been given there is no reason as to why the respondents can not consider the applicant's seniority ^{and} monetary benefits also to which they are entitled to. Accordingly the respondents are directed to consider the case of the applicants for seniority and monetary benefits as per the directions given by this Tribunal, within a period of two months from the date of communication of this order and calculate the same and make payment within another two months. It is expected that the respondents will not try again to enter the realm of contempt and compel the applicants to approach this Tribunal again. With the above observations the contempt application



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is consigned and the notices are discharged.

Sd/-

A. M.

Sd/-

V.C.

Compared

SD
21-6-93

Certified Copy
Behanwala
Incharge
Judicial Section
C. A. T.
LUCKNOW.

SD