

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

CONTEMPT PETITION NO. 18/2003.

In
ORIGINAL APPLICATION NO. 158/1995.
AND
ORIGINAL APPLICATION NO. 490/1995.

This the day of 16th March, 2005.

HON'BLE SHRI S.C. CHAUBE, MEMBER (A)
HON'BLE SHRI K.B.S. RAJAN, MEMBER (J)

1. A.K. Bilgaiya, Son of Late Gaya Prasad Bilgaiya, aged about 33 years, resident of 125, Shatur Khana, Maqboolganj, Lucknow.
2. R.A. Pal, Son of Sshri Guru Prasad, aged about 30 years. Resident of Kalli Paschim, Mohhanlalganj (P.G.I.), Chowki, Lucknow.

...Applicants.

By Advocate: Shri R.K. Gaur.

Versus

1. Lt. Gen. D.S. Chauhan, Commanding Officer, Central Command, Lucknow.
2. Maj. Gen. K.C. Vig V.S.M./AVSM. G.O.C., H.Q. U.B. Area, Bareilly.
3. Brig. Sanjiv Madan, Commandor, H.Q. Lucknow Sub-Area, Lucknow-2.
4. Col Baldev Singh, Col 'Q'. H.Q. Lucknow. Sub-Area, Lucknow-2.
5. Lt. Col R. Dutta, D.Q.M.G. Canteen Officer, H.Q. Lucknow. Sub-Area, Lucknow-2.

... Respondents.

By Advocate: Shri S.K. Pandey.

ORDER (ORAL)

BY HON'BLE SHRI B.C. CHAUBE, MEMBER (A).

1. Heard, Learned counsel for the parties.

Chaubey

2. This C.C.P. has been filed pursuant to the order dated 11.11.2002 in O.A.No.158/1995 and O.A.No.490/1995 with the following directions:-

"For the reasons outlined in the preceding paragraphs, the aforesaid impugned orders terminating the services of the applicants are quashed and set aside and the respondents are directed to re-instate the applicants within three months from the date of issue of this order. It is clarified that in the peculiar circumstances of these O.As., the applicants will not be entitled to back wages."

3. Pursuant to the aforesaid directions of this Tribunal the present C.C.P. has been filed. In reply to the C.C.P., the learned counsel for the respondents has cited the re-instatement order dated 7.2.2005, whereby the applicants have been re-instated in service as per the terms and conditions they were appointed at the time of their dismissal. Annexure A-3 and Annexure A-4 are the joining reports of both the applicants, who joined back on 09-02-2005.

4. We have heard the learned counsel for the parties and are of the view that substantial compliance seems to have been made in the present case and therefore, no case of contempt is made out. Accordingly, the C.C.P. is dismissed with liberty to the applicants to seek legal remedy under the law, if so advised, in case, they still feel aggrieved by the action taken by the respondents. To secure ends of justice the respondents are further directed to consider the payment of wages after the period of three months from the date of order of this Tribunal till the date of their joining as no satisfactory



explanation is forth coming for not allowing the
applicants to join the post ^{earlier} ~~as~~ directed by this Tribunal.

Notices are discharged. No costs.



(K.B.S. RAJAN)
MEMBER (J)



(S.C. CHAUBE)
MEMBER (A)

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