

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Civil Contempt Petition No. 79/2004

In

Original Application No.525/1998

This, the 2nd day of November 2007

HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE MR. SHAILENDRA PANDEY, MEMBER (A)

Pramod Kumar Gupta aged about 33 years S/o Late Sri Banbari Lal Gupta, Postman R.S.M. Nagar Post Office, Lucknow.

Applicant.

By Advocate:- Shri R.S. Gupta.

Versus

1. Sri Laxman Singh, Senior Superintendent of Post Officers, Lucknow.
2. Sri T.S. Misra, Assistant Superintendent of Post Offices (North) Lucknow.

... Respondents.

By Advocate:- Shri S.P. Singh.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed the present CCP to punish the respondents for their willful disobedience of the order of the Tribunal dated 27.11.2003 passed in O.A.No.525/1998.

2. The respondents filed Counter Affidavit stating that they have complied with the orders of the Tribunal and as such CCP is not at all maintainable and thus prayed for dismissal.
3. Heard both sides.
4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the applicant filed O.A.No.525/1998 and the same was disposed of on 27.11.2003 (Annexure-1) with a direction to the respondents to consider the aforesaid claims of the applicant with all attendants consequential benefits within a period of two months from the date of receipt of this order. In pursuance of the said direction of the tribunal, the respondents have passed orders on 30.4.2004 covered under Annexure-CR-1 stating that the claim of the applicant in respect of his seniority was already given vide O.M. dated 4.12.2000 but he is not entitled to consequential benefits as claimed in the OA and thus rejected the claim for consequential benefits.

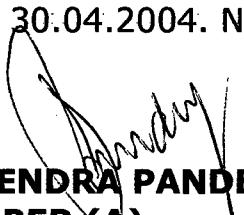
6. Against the said orders, the applicant has moved the present CCP stating that the respondents have not obeyed the directions of the tribunal dated 27.11.2003 in respect of all attendant consequential benefits as claimed by him in the OA.

7. From the reading of the orders of the Tribunal dated 27.11.2003, it is clear that the direction was given to the respondents to consider the claim of the applicant with all attendant consequential benefits. When the tribunal gave direction to the respondents to consider such claims of the applicant with attendant consequential benefits, the respondents have passed orders covered under Annexure-CR-1 dated 30.4.2004 stating that the applicant is not entitled for consequential benefits. Thus, there is no disobedience of the orders of the Tribunal as contended by the applicant.

8. If the applicant is aggrieved with such orders dated 30.4.2004 rejecting the claim of the applicant in respect of consequential benefits, which he claimed, he is at liberty to file fresh OA but such

rejection will not be termed as disobedience of the order of the Tribunal dated 27.11.2003. The applicant is justified if the Tribunal allowed all such attendant consequential benefits to make any allegations that there was disobedience on the part of the respondents for compliance of the order but without allowing such consequential benefits and mere direction to consider the claim of the applicant does not imply that all the claims of the applicant in respect of consequential benefits were allowed by the Tribunal. Thus, there are no merits in the claim of the applicant to say that they have disobeyed the order of the Tribunal dated 27.11.2003.

8. In the result, CCP is dismissed and at the same time applicant is at liberty to file fresh OA in respect of his claim of consequential benefits, which the respondents rejected covered under Annexure-CR-1 dated 30.04.2004. Notices are discharged.


(SHAILENDRA PANDEY)
MEMBER (A)


(M. KANTHAIAH)
MEMBER (J)

02-11-2007

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