

(1)

**Central Administrative Tribunal  
Lucknow Bench Lucknow**

C.C.P.No.50/2006

In

Original Application No.294/1998

This, the 23<sup>rd</sup> day of December 2008

**HON'BLE MR. M. KANTHAIAH, MEMBER (J)**

**HON'BLE DR. A.K. MISHRA, MEMBER (A)**

Rajesh Kumar Sharma, aged about 50 years s/o Late Brij Mohan Sharma,  
R/o 40/71, Mirja Purwa, Narhi, District-Lucknow.

...Applicant.

By Advocate:- Shri Y.S. Lohit.

Versus.

1. Dr. Rakesh Tuli, Director, National Botanical Research Institute,  
Lucknow.
2. Dr. A.K. Sharma, Head Tissue Culture Lab, National Botanical Research  
Institute, Lucknow.

... Respondents.

By Advocate:- Shri A.K. Chaturvedi.

**ORDER**

**BY HON'BLE MR. M. KANTHAIAH, MEMBER (J)**

The applicant has filed this C.C.P. under Section 17 of Administrative Tribunal Act, 1985 read with Section 12 of Contempt of Court Act to punish the respondents on the ground that they have willfully and deliberately not complied with the direction of this Tribunal Dt. 29.04.2005.

2. The respondent no.1 has filed Counter affidavit, stating that they have complied with the direction of the tribunal and as such, there is no deliberate and willful act of contempt on the part of the respondents.

3. Heard.

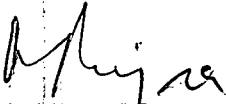
4. When the applicant filed main OA for absorption / regularization of the services of the applicant on the post of Technician Grade-II considering his past services, this tribunal allowed the same on 29.04.2005 with a direction to consider the claim of the applicant as per the recommendation of 5<sup>th</sup> Central Pay Commission and also in respect of his absorption as per rules.

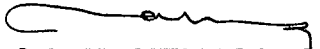
5. The respondents have filed compliance report stating that in pursuance of the direction of the tribunal, the applicant was called for interview on 17.08.2006 and in which, the selection committee made its recommendations and decision thereof was accepted by the competent authority and accordingly, the decision has been informed to the applicant through letter dated. 21.08.2006 (Ann.-C-14). In respect of the claim for salary, the respondents have stated that the salary of the applicant was increased on account of V<sup>th</sup> Pay Commission for the period from 1<sup>st</sup> January, 1996 to 31<sup>st</sup> March, 1998 his working as Technician Grade-II in a sponsored Scheme of department of Bio-Technology, Government of India, New Delhi from 15<sup>th</sup> December, 1993 to 31<sup>st</sup> March, 1998 was considered and the same was rejected through office memorandum dated 21<sup>st</sup> August, 2006. He also stated that recommendations of V<sup>th</sup> Central Pay Commission have been implemented in the case of the applicant for the post of Helper Grade-I-(2) w.e.f. 1<sup>st</sup> January, 1996 and as Helper Group-I (3) w.e.f. 4<sup>th</sup> January, 2002. Thus, they have complied with direction of the tribunal. From this, it is clear that the respondents have complied with the direction of the tribunal and there is no deliberate and willful act of contempt on the part of the respondents. Further, it is also not in dispute that aggrieved by the order passed by the respondents vide order Dt. 21.08.2006, the applicant also filed another O.A. i.e. O.A.No.483/2006 on the file of this tribunal, which is pending for disposal.

3)

6. Under the above circumstances, the applicant failed to prove the act of deliberate disobedience on the part of the respondents to attract contempt and as such, the C.C.P. is liable for dismissal.

In the result the C.C.P. is dismissed. Notices are discharged.

  
(DR. A.K. MISHRA)  
MEMBER (A)

  
(M. KANTHAIAH)  
MEMBER (J)

23.12.08

/amit/