

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

Civil Contempt Petition No.09/2010

In

Original Application No.368/2007

This the 18th Day of March 2013

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Hon'ble Mr. D.C. Lakha, Member (A)

Ram Kumar S/o Sri Ram Padarath R/o 3 Furlong Race
Course, Lucknow-02.

...Applicant.

By Advocate: None.

Versus.

1. Brig. H.G.V. Singh, Commandant, 11 Gorkha Rifles
Regimental Center, Lucknow.

.... Respondents.

By Advocate: None.

ORDER (Dictated in Open Court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

The perusal of the order sheet dated 21.07.2011, reveals that show cause notice issued to the sole respondent has been received back with the remark that the recipient has been transferred and left the place. Thereupon, on the request of the learned counsel for the applicant that he would be moving an impleadment application, if so necessary, the case was adjourned. Since than more than one year nine months have passed but the needful has not been done.

2. With a view to ascertain as to whether or not the substantial compliance has been made, we thoroughly



perused the order passed by this Tribunal as also the C.C.P. We did this exercise keeping in view the principle that once an alleged contempt of this Tribunal is brought to the notice by filing a C.C.P., then even if the petitioner or his counsel do not turn up, the Tribunal may proceed to adjudicate the alleged act of contempt.


3. Relevant O.A.No.368/2007 was partly allowed with the direction to the Respondent No.2 i.e. Commandant, 11 Gorkha Rifles Regimental Center, Lucknow to engage the applicant in the same status in which he was working as Mali (Civilian), 11, Gorkha Rifles Regimental Center, Lucknow, under the same terms in which similarly circumstanced Mali (Civilian) casual labour are working. This exercise was to be done within a period of one month from the date of supply of a copy of this order. At the same time, it was made clear that the applicant would not be entitled to wages from the date of his disengagement till the date of engagement on the principle of 'no work no pay'.

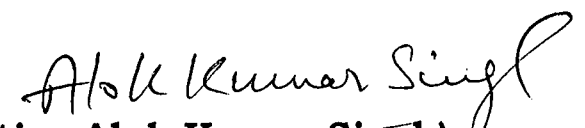
4. Now, we come to the affidavit filed in support of his C.C.P. In para-10 onwards, it has been said that certified copy of the order of this Tribunal was submitted before the Administration/Commandant of the Regimental Center on 05.12.2009 vide (Annexure-2). In furtherance of the Tribunal order the applicant had been engaged vide letter dated 02.12.2009 with monthly payment of Rs.1000/- and he was directed to report to 11, Gorkha Rifles Regimental Center by December, 5 2009. He received this letter at about 04:00 P.M. and in compliance thereof, he submitted his joining report after two days i.e. on 07.12.2009. But, the applicant has also made a request to amend the monthly salary of

Rs.1000/-. But the perusal of para-2 of the order/judgment of this Tribunal's itself shows that at the relevant time, he was getting enhanced amount of Rs.1000/- per month only and in the final order of this Tribunal the above amount has not been disturbed. The only direction was for his reengagement in the same status and we find that according to own averments made by the applicant himself as mentioned above, he has been reengaged on the same terms. There is not even a whisper in the entire affidavit that he has not been engaged on the same terms.

5. It appears that on account of the above reason nobody is now appearing and for the same reason the needful in respect of furnishing the particular of the new incumbent is not being done even after lapse of one year nine months despite this Tribunal's repeated orders.

6. Be that as it may. But, in view of the above, we find that substantial compliance has been made therefore, this C.C.P. is finally struck off and the notice stand discharged.


(D.C. Lakha)
Member (A)


(Justice Alok Kumar Singh)
Member (J)

Amit/-