

(3) (5) (42) 15
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Contempt No.5/91 CIRCUIT BENCH, LUCKNOW
In
T.A. 307/87(T)
(Writ Petition 1582/87)

Karam Singh Applicant.

versus

R.K. Singhal & others Respondents.

Hon. Mr. D.K.Agrawal, J.M.
Hon. Mr. K. Obayya, A.M.

(Hon. Mr. D.K.Agrawal, J.M.)

Shri Rajesh Nath for applicant.

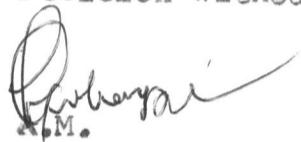
Shri Arjun Bhargwa for Respondents 1 to 3.

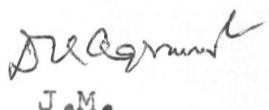
Shri Anil Srivastava for General Manager.

Heard the learned counsel for the parties. There is no doubt that the judgment and order of the Tribunal dated 25.7.90 has not been complied with within two months from the date of communication of the order. The question therefore, is as to whether it is desirable to draw action against the opposite ^{party} contemnors or any one of them. We have gone through the record containing correspondence which indidates that there was no intention on the part of the Department to delay the compliance of the order of the Tribunal. The action was initiated as early as on 9.8.90. We cannot but deprecate the delay on the part of higher authorities in implementing the order of the Tribunal within time but all the same we do not find ingredients of wilful disobedience. We have also satisfied ourselves ~~to the effect~~ that the applicant is entitled to salary with effect from the date of reinstatement. The learned counsel for the applicant has further brought to our notice that the applicant was entitled to be granted

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temporary status with effect from 1.1.83. He has urged that the competent authority has failed to pass any order in respect thereof. The learned counsel for opposite parties has drawn our attention to para 14 of the reply wherein it has been stated that the applicant has not completed 360 days work. We are of the opinion that the competent authority, in the light of the judgment of the Tribunal has to pass a speaking order as to the fact that the applicant is or ^{is} not entitled to any other benefit in the light of the judgment referred to in the judgment of the Tribunal. With these observations we hereby dismiss the Contempt Petition without any order as to costs.


Shakeel
J.M.


Duleep Singh
J.M.

Shakeel/ Lucknow Dated: 4.9.91