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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW
.....

C.C.P. 92 of 1992

IN
O.A. No. 4 of 1989

this the 26th day of October, 1994.

HON'BLE MR. V.K. SETH, ADM. MEMBER
HON'BLE MR. D.C. VERMA, JUDICIAL MEMBER

Chandrika Pd. Verma, ~~S/o~~ late Sri Bhikha Ram
aged about 60 years, I/o House No. 493/85,
Dr. Panna Lal Road, Daliganj, Lucknow.

Applicant

By Advocate : Mohd. Illiyas

Versus

Sri Anand Swaroop Bhatnagar, General Manager, N.E.
Railway, Gorakhpur.

2. S.M.N. Islam, Senior Divisional Personnel Officer,
N.E. Railway, Ashok Marg, Lucknow.

Respondents

By Advocate : Shri A.K. Chaturvedi

O. R. D. E. R

D.C. VERMA, MEMBER (J)

The applicant Chandrika Pd. Verma
has filed this petition for initiating ~~the~~ contempt
proceedings against the opposite parties on the
ground that ~~that~~ the order of the Tribunal passed
in O.A. No. 4/89 in the case Chandrika Pd. Verma
Vs. Union of India & others on 9.12.91 has not
been complied with.

2. (The relevant portion of the order


of the Tribunal is as below :-

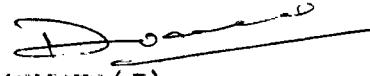
"In view of these circumstances the application deserves to be allowed and the reversion order dated 19.9.88 is quashed and the applicant will be deemed to be promoted with effect from 1.1.86. The respondents are directed to promote him on the said selection post with effect from 1.1.86 and give him all the consequential benefits in accordance with law. Let this be done within a period of 3 months from the date of communication of this order".

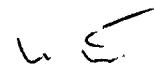
3. We have heard the learned counsel for the parties. During the course of arguments the learned counsel for the applicant has admitted that he has received all the benefits except that the respondents have not paid over time and night duty allowance. The learned counsel for the respondents has submitted that as the applicant has been promoted w.e.f. 1.1.86 ~~to post of~~ to the Station Superintendent which is a supervisorial post, hence the applicant is not entitled for any over time and night duty allowance. The learned counsel for the applicant's contention has been that ~~giving~~ to a higher grade, ~~to~~ the applicant is entitled for ~~which~~ allowance on a higher scale. It is, however, admitted that over time and night duty allowance are not admissible to supervisorial posts ~~as~~ the applicant had been promoted ^{01.01.86} ~~on~~ ~~to a supervisorial post~~ ~~on the date of promotion~~. The case of the applicant that non-payment of such allowance by the respondents, amounts to non-compliance of the order of the Tribunal, is not correct.

4. In view of the discussions made above, we are of the view that there is no non-compliance

of the order passed by the Tribunal in the case, hence, notice deserved to be withdrawn.

5. The application for contempt is dismissed and notices issued to the respondents are hereby discharged.


MEMBER (J)


MEMBER (A)

LUCKNOW: DATED: 26-10-94

GIRISH/-