

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA

CCPA No. 42 of 2004

(Arising out of OA No. 85 of 96 & RA 31/02)

P.N. Pandey

....

Applicant.

Vs.

Shri R.A. Masalkar, D.G.  
C.S.I.R. Rafi Marg, New Delhi.....  
and another

Respondents

For the applicant : Shri M.P. Dixit

For the respondents : Shri V.M.K. Sinha.

C O R A M

Hon'ble Shri L.M. Goyal, Vice-Chairman

Hon'ble Smt. Shyama Dogra, Member (J)

04./ 30.09.04.

O R D E R

(Dictated in Court)

By S. Dogra, M(J):- At the very out-set, it is submitted by learned counsel for petitioner that while complying with the order dated 11.9.2003 passed by this Court in OA 85 of 1996, though the respondents have passed appropriate order for promotion of the petitioner with retrospective effect vis-a-vis his juniors, but he has not been paid monetary benefits as per law. In support of his contentions, learned counsel for the petitioner has placed on record copy of the decision passed by the Principal Bench, New Delhi, cited in ATC (1987) Vol. 2, 530, titled Mrs. R.K. Jain vs. Delhi Administration, wherein it has been held that where promotion is given retrospectively, benefits of increment and salary also admissible retrospectively from the date of promotion and FR 17 (1) is not attracted. While holding this view, the Principal Bench has also relied on the decision passed by Supreme Court in P.S. Mahal vs. U.O.I. (1984) 4 SCC 545: AIR 1984 SC 1291.

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2. In view of this legal position, it is submitted by learned counsel for the petitioner that the respondents have not fully complied with the order passed by this Court.

3. After hearing learned counsel for the parties, we are of the considered opinion that the respondents have almost complied with the order passed by this court in OA 85 of 1996. So far as payment of monetary benefits with retrospective effect is concerned, non-consideration of the legal aspect of the matter will not amount to disobedience of the court's order. The petitioner will be at liberty to approach the concerned respondents for the said relief in view of the legal position as explained hereinabove.

4. In view of these observations, we are not inclined to proceed further in the contempt petition. The same is hereby dropped while discharging the notices issued to the respondents. The petitioner is, however, given liberty to approach the concerned respondents by filing representation and on receipt of such representation, the concerned respondents may pass appropriate order as per law - *the earliest possible*.

5. This CCPA is, accordingly, disposed of with no order as to costs.

/CBS/

*Shyama Dogra*  
(SHYAMA DOGRA) M(J) 20/9/04

*L.M. Goyal*  
(L.M. GOYAL) V.C.