

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

C.P. No. 138/92 in
OA. No. 518/90

Tribunal's Order

Dated : 25.3.94

Heard Shri Y. H. Me~~n~~on counsel for the applicant. Shri A. I. Bhatkar for Shri M. I. Sethna, counsel for the respondents.

We have also perused the record and the reply on record. The plea of the contempt petitioner is that if the order of the court is read in totality, which is reproduced below :

" Accordingly, in this case the punishment order dated 5.8.1988 and the appellate orders are quashed. However, it has been made clear that it will not preclude the respondents to proceed with the enquiry from the stage of giving her reasonable time to file a representation against the same. In the circumstances of the case, however, there would be no order as to costs."

it implies' that having set aside the punishment order, the applicant was entitled to backwages as UDC for the period from 5.8.1988 to 10.10.1991 i.e. the date of the order. The respondents have contended that the order of the Tribunal was complied with by supplying to the Applicant a copy of the Enquiry report by order dated 23.4.1992 and thereafter conducting de novo disciplinary

proceedings. They have further stated that she is not entitled to any backwages ~~on~~ the principle of no work no pay. We notice that the de novo disciplinary proceedings have already been completed. It appears that de novo disciplinary proceedings were concluded by order dated 6.9.93 ~~in~~ which the Disciplinary authority has taken the view that she is not entitled to back wages for the period from 5.8.1988 to 10.10.1991. We were also told that this order is under appeal.

We are at present concerned to see whether there is a contempt of the court by deliberate violation of its order. On the plain reading of the order, the Tribunal had no intention of awarding to the applicant back wages as UDC for the period in question. In our view there is no contempt. We however also note that in view of the fact that final orders have been passed and are under appeal, the contempt petitioner would have an opportunity to agitate the matter further if the appeal goes against her. But that would be a separate proceeding. The petitioner cannot agitate that issue in the present proceeding. In view of the above we dispose of the C.P. by passing the following order.

Q R D E R

The C.P. is dismissed. Alleged contemner

is dis-charged. ~~Order Discharged~~

Lakshmi Swaminathan

(Lakshmi Swaminathan)

Member (J)

M.R. Kolhatkar

(M.R. Kolhatkar)

Member (A)