

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTING AT NAGPUR
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

OA NO.734/91

Bhagwan Raoji Bagde
LSG, Bhandara Head PO
Bhandara, Tah. Dist. Bhandara ..Applicant

V/s.

Senior Supdt. of PO,
MFL Division, Nagpur & 3 ors. ..Respondents

Coram: Hon.Shri Justice M S Deshpande, V.C.
Hon.Shri M Y Priolkar, Member (A)


APPEARANCE:

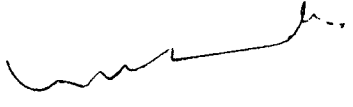
Mr. A S Bhagat
Counsel for the applicant
Mr. A B Chaudhary
Counsel for the respondents

ORAL JUDGMENT:
(Per; M S Deshpande, Vice Chairman)

DATED: 15.3.93

Heard Counsel. The respondents have not filed reply. This Tribunal had by its earlier order dated 10th August 1990 in O.A. No. 567/88 had revoked the order of suspension and directed the competent authority to pass orders in accordance with F.R.54(B) for regularising the period of suspension and to suitably regulate the subsistence allowance etc., for the said period. This has not yet been worked out. We direct the respondents to work out the entitlement within a period of two months from to day and make the payment to the applicant for the amount found due. The applicant would be entitled to to the costs of this application which is quantified at Rs. 200/- .

64

(M Y Priolkar)
Member (A)


(M S Deshpande)
Vice Chairman

(11)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

C.P. 31/94 in
O.A. 734/91

Shri. B.R.. Bagde

.. Applicant

Vs.

Union of India & Urs.

.. Respondents

CORAM : 1. Hon'ble Shri Justice M.S. Deshpande, Vice Chairman
2. Hon'ble Shri M.R. Kolhatkar, Member (A)

TRIBUNAL'S ORDER

Dt. 13.03.95.


Heard Shri. D.B. Walthare, counsel for the applicant and
Shri. N.A. Deshmukh, for Shri. A.B. Chaudhary counsel for respondents.

2. By the present application, the applicant complains of non-implementation of the directions which were issued on March 15, 1993 in O.A. 734/91, the direction being that the respondents should work-out the entitlements of the applicant within a period of two months and make payment of the amount due. The controversy arose because the Tribunal by its order dated 10th August 1990 in O.A. 567/88 had revoked the order of suspension and directed the Competent Authority to pass orders in accordance with FR 54B for regularising the period of suspension and to suitably regulate the subsistence allowance etc., for the said period. By the reply filed by the respondents to the present application, it has been pointed-out that the same contention had been raised in C.P. No. 50/90 in O.A. 567/88 and in the order passed on 24.4.1991 it was observed that the applicant had not complied with the directions given in the order dated 14.11.1990. The Tribunal observed in its order dated 24.4.1991 that all that had been done was to direct the respondents to pass an order in accordance with FR 54B and this they have done within the reasonable period and if the applicant was aggrieved at the orders so passed, a contempt petition was not the appropriate way of challenging it. In view of this clear direction, a ^{fresh} contempt petition would not lie.
3. What the learned counsel for the applicant pointed-out is that in the judgment dated 15.3.1993 in O.A. 734/91 the Tribunal had directed the respondents to work-out the applicant's entitlements.


Clearly, this direction was made because the decision arising from the order dated 24.4.1991 had not been placed before us by the applicant.

4. In the result, we see no merit in the application as the applicant's grievances were considered by the respondents by their order dated 24.4.1991 and a fresh complaining of contempt cannot be entertained. The C.P is therefore dismissed.

5. M.P 54/95 too is disposed of in view of the above decision.



(M.R. KOLHATKAR)
MEMBER (A)


(N.S. DESHPANDE)
VICE-CHAIRMAN.

J*