

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

C.P. 51/98 and C.P. 52/98 in
Original Application No. 1330/93 and 66/94.

Monday the 31st day of May 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S. Baweja, Member (A)

Bhallu Behera ... Applicant in
OA 1330/93

N.R. Chaudhari ... Applicant in
OA 66/94

By Advocate Shri L.M. Nerlekar.

V/s.

Shri Manjit Singh and Another. ... Respondents.

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman ¶

Contempt Petition No. 51/98 and 52/98 have been filed by the applicants alleging that the respondents have not complied with the order of the Tribunal dated 17.6.1998 in O.A. 1330/93 and 66/94. The respondents have filed the reply. We have heard both the counsel.

2. Though there is some delay in complying with the order of the Tribunal dated 17.6.1998, the respondents have given some explanation for the delay in complying with the order of the Tribunal. It is now seen that the respondents have re-instated the applicants in service by order dated 10.12.1998. Since the respondents have given some explanation for the delay in complying with the order dated 17.6.1998, we find that it is not a fit case to take any action for the delay.

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C.P. No. 51/98 and C.P. No. 52/98 in
Original Application No. 1330/98 and 66/98.

Monday the 31st day of May 1998.

COMES: Hon'ble Shri Justice H.G. Vidyanatha, Vice Chairman
Hon'ble Shri D.S. Bawale, Member (A)

Bhailu Behere ... Applicant in
C.P. No. 51/98

M.R. Chaudhari ... Applicant in
C.P. No. 52/98

By Advocate Shri L.M. Nerlekar.

V/s.

Shri Manjit Singh and Another. ... Respondents.

By Advocate Shri V.S. Masurkar.

O R D E R (JUDGMENT)

By Shri Justice H.G. Vidyanatha, Vice Chairman

C.P. No. 51/98 and 52/98 have

been filed by the applicants alleging that the
respondents have not complied with the order of
the Tribunal dated 17.6.1998 in O.A. No. 1330/98 and
66/98. The respondents have filed the reply.

We have heard both the counsel.

2. Though there is some delay in complying
with the order of the Tribunal dated 17.6.1998,
the respondents have given some explanation for
the delay in complying with the order of the
Tribunal. It is now seen that the respondents
have re-instated the applicants in service by
order dated 10.12.1998. Since the respondents have
given some explanation for the delay in complying
with the order dated 17.6.1998, we find that it
is not correct to take any action for the delay.

3. The learned counsel for the applicants states that the respondents have not paid the applicants the monetary benefit which are due to them on account of re-instatement. As far as the delay is concerned the respondents have explained the delay vide order dated 15.1.1999 (Exhibit R-3) It is clearly stated that the applicants are entitled to wages from 24.7.1998 till the date of re-instatement. Though the order dated 15.1.1999 shows that the applicants were re-instated with retributive effect i.e. from 24.7.1998 the applicants were actually reinstated from 10.12.1998. Therefore the applicants are entitled to full wages for the period from 24.7.1998 to 10.12.1998 or till the date of actual re-instatement. There is no material on either side to show that the payment has been made to the applicants for the said period or not. Therefore a direction be given to the respondents to comply with the order of the Tribunal and pay the monetary benefits to the applicants.

4. In the result the C.Ps are disposed of with a direction to the respondents to pay full backwages to the applicants for the period from 24.7.98 to 10.12.1998 or till the date of actual re-instatement, within a period of four weeks from the date of receipt of this order. In case of any further delay on the part of the respondents in complying with the order, liberty is given to the applicant to approach this Tribunal again according to law.

Copy of the order be furnished to the parties.

(D.S. Baweja)
Member(A)

(R.G. Vaidyanatha)
Vice Chairman