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CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

Contempt Petition No.43/2001.
in
Original Application No.215/1995.

Monday, this the 3rd September, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,
Hon'ble Shri M.P.Singh, Member (A).

S.K.Bhattacharya,
Flat No.10,
Building No.1,
Dhiraj Co-opt. Hsg. Socy.,
Jail Road,
Nasik Road - 422 101.
(By Advocate Shri G.K.Masand)

...Applicant.

v.

1. Union of India,
through the Ministry of Finance,
Currency & Coinage,
North Block,
New Delhi.
2. General Manager,
India Security Press/Currency Note Press,
Nasik Road. ... Respondents.

AND

1. Shri V.K.Jain,
General Manager,
India Security Press,
Nasik Road.
2. Shri Sanjeev Srivastava,
Financial Advisor & Chief Accounts Officer,
India Security Press,
Nasik Road. ... Contemnors.
(By Advocate Shri P.M.Pradhan)

ORDER ON CONTEMPT PETITION (ORAL)

Justice Birendra Dikshit, Vice-Chairman.

Shyamal Kumar Bhattacharya applicant has moved this application on the ground of wilful disobedience by contemner respondents of orders dt. 18.12.1995 passed in OA No.215/1995 as well as order dt. 25.7.1996 in OA No.1444/95 which was connected
B.Virani

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with OA No.29/96 and 202/96 and order dt. 3.10.1996 in OA No.761/88. The Judgment dt. 18.12.1995 has been passed granting relief to applicant to make payment of overtime allowance at double the rate whenever he performs duty in excess of 48 hours per week in accordance with the provision of Section 59(1) of Factories Act as a Junior Supervisor.

2. Now, admittedly, applicant ~~has~~ been promoted as Supervisor. The Judgment in favour of applicant in OA No.215/1995 was passed keeping in view the facts of that case and post held by applicant. After promotion of applicant as Supervisor, it cannot be said that Respondent committed wilful disobedience of the order passed in favour of applicant as Junior Supervisor. It is not the case of applicant that respondents did not give effect to the order in question during his working as Junior Supervisor.

3. The Judgment dt. 25.7.1996 of OA No.1444/95 etc. also cannot be said to be wilfully dis-obeyed as the OAs. have been allowed for the reasons assigned in judgment of applicant's case dated 18.12.1995 and similar directions have been issued in favour of applicants who were Junior Supervisors of those OAs. In those O.As. applicant was also not party and so far applicant is concerned, he got relief in his OA i.e. OA No.215/95, therefore, there can be no wilful dis-obedience of said order dt. 25.7.1996.

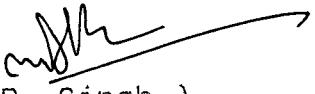
4. So far the third judgment passed on 3.10.1996 in OA 76/88 is concerned, that was certainly passed in respect of Supervisors, but applicant was not party to it. We have examined the judgment and find that it is not a judgment in rem.

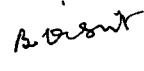
(24)

Relief has been given to the parties to O.A. The Judgment is based on facts of particular case giving benefit to applicants of that O.A. who were having basic pay not exceeding Rs.2200/- As the judgment is on the basis of facts of that case, we do not find that the act of respondents may make them liable for wilful dis-obedience of order in not giving its benefit to applicant.

5. Before parting with the case we would like to point out to Respondents that if a judgment is passed determining preposition of law by this Tribunal then it is the duty to examine cases of other employees in the light of determination of principle of law and we hope that whenever on facts, the law laid down in any case by this Tribunal is attracted to the case of any other employee, then as an ideal employer the respondents will give appropriate relief to the concerned employee/s then to make them to run to this Court.

6. The Contempt Petition is dismissed.


(M.P. Singh)
Member (A)


(Birendra Dikshit)
Vice Chairman.

B.