

CENTRAL ADMINISTRATIVE TRIBUNAL

Dated this Friday the 16th August, 2002

Coram: Hon'ble Shri Birendra Dikshit - Vice Chairman
Hon'ble Shri B.N.Bahadur - Member (A)

Contempt Petition No.51 of 2002
(In OA 945 of 1997)

Ahmedali Mohiddin
(By Shri R.D.Deharia)

Versus

Shri V.Ramachandran,
Divisional Railway Manager,
Solapur Division,
Central Railway,
Solapur. - Contemner/Respondent
(By Advocate Shri Suresh Kumar)

ORAL ORDER

By Hon'ble Mr. B. N. Bahadur - Member (A) -

Heard the Learned Counsel. Reply has been filed which is taken on record. The point made by the Learned Counsel for the Applicant is that whereas promotion has been provided notionally from the date of promotion of Sham Hanamanthu, no arrears have been provided. He argues that in terms of the orders made in this OA on 13.12.2001, it is implied that arrears have to be provided. Learned Counsel Shri Suresh Kumar on the other hand argues that the words used in the order by way of directions is that "benefits as will flow in accordance with those rules and instructions" and bases reliance on Para 228 of the Indian Railway Establishment Manual.

2. The important point that we see on reading of the orders is that this point has not been clarified in as many and an arguable point has been raised by Shri Deharia. We hereby grant

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The Board has been asked by the Department. We hereby state
that this Board has not been established in as many and and in
the important Board that we see on reading of the orders

Jointly Establishment Manual.

Instructions, and pages reference on Page 338 of the Indian
"benefits as well from in accordance with those rules and
the words used in the order by way of directions is that
resigned counsel shall appear known on the other hand states that
on 13.12.2001 it is implied that appeals have to be provided.
been provided. He states that in terms of the orders made in this
from the date of promotion of Shri Hanumanth, no appeals have
submitted is that unless promotion has been provided notionally
taken on record. The Board made by the resigned counsel for the
Heard the resigned counsel. Reply has been filed which is
BY Hon. Jt. M. B. H. Baragat - Member (A) -

ORDER

(By Advocate Shri Shree Kumar)
Solely - Confession/Respondent
Central Jail
Solely Plaintiff
Plaintiff Jointly Manager
Shri A. Ramachandran

Verdict

(By Shri B. D. Baragat)
Immediately Respondent - Plaintiff

(In O. 342 of 1991)
Confession Plaintiff No. 21 of 2003

Hon. Jt. Shri B. H. Baragat - Member (A)
Solely Hon. Jt. Shri B. H. Baragat - Vice Chairman

Dated this 13th day of Decr 2003

JOINTLY BEING
CENTRAL ADMINISTRATIVE TRIBUNAL

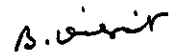
OA 945.97

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liberty to the Applicant to file fresh OA for claiming his arrears if he is so advised. Such OA can be filed within a period of two months from the date of receipt of a copy of this order. The Contempt Petition stands disposed of. Noticees issued are discharged.



(B.N. Bahadur),
Member (A)



(Birendra Dikshit)
Vice Chairman

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