

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

C.P.No.111/2002 in OA.No.802/98

Friday this the 28th day of March, 2003.

CORAM : Hon'ble Shri A.V.Haridasan, Vice Chairman

Hon'ble Shri S.K.Hajra, Member (A)

Mohd.Dawood Peer Ahmed

...Applicant

By Advocate Shri C.M.Jha

vs.

Union of India & Ors.

...Respondents

By Advocate Shri V.S.Masurkar

TRIBUNAL'S ORDER

{Per : Shri A.V.Haridasan, Vice Chairman}

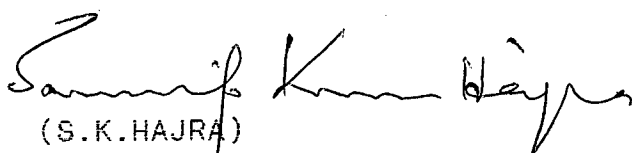
This Contempt Petition arises out of order of the Tribunal in OA.No.802/98 dated 21.6.2002 wherein the respondents were directed to revise the seniority of the applicant over and above Respondents No. 4 and 5 and to ante date it. In that event the applicant shall also be entitled to all consequential benefits. Alleging that the direction contained in the order has not been complied with and therefore action has to be taken against the respondents under the Contempt Proceedings Act. An Affidavit has been filed by Smt. Rita P. Hemrajani, Dy. Chief Personnel Officer (HQ). In the Affidavit, it has been shown that the order of the Tribunal has since been implemented by order dated 4.10.2002 whereby the applicant has been promoted as Motor

(7.2.2003)

..2/-

Driver Gr.Rs.950-1500 (RPS) on par with Shri P.Maharajan and Shri Arul Chandra. However, the consequential monetary benefits have not been given to him. The learned counsel of the petitioner states that direction contained in order that has been complied with now in only part and payment of monetary benefit arising from ante dated promotion only would complete the compliance.

2. We find substance in the averment of the counsel. The Tribunal has in the order stated that in the event of ante dated promotion, the petitioner would be entitled to "all consequential benefits". It is evident therefore all consequential benefits of antedated promotion including arrears of higher pay and allowances should be given to the petitioner. Now noting that the petitioner has been promoted with effect from the due date, we dispose of this Contempt Petition directing the respondents to pay to the applicant arrears of pay and allowances from the date of promotion and not only proforma fixation. This should be done within two months.



(S.K.HAJRA)

MEMBER (A)



(A.V.HARIDASAN)

VICE CHAIRMAN

mrj.