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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

C.P.No.55/97 in O.A.1444/95.

Date: 31-7-1997.

Between:

Abdul Khader. .. Applicant

and

Sri Vinod Prasad, Chief Personnel
Officer, South Eastern Railways,
Personnel Branch, Calcutta. Respondent.

Counsel for the applicant: Sri M. Panduranga Rao

Counsel for the respondents: Sri N.R.Devaraj.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri R. Rangarajan, Member (A)).

Heard Sri M. Panduranga Rao, counsel for the applicant
and Sri N.R.Devaraj, for respondents.

This C.P., is filed for non-implementation of
the orders in the O.A. The O.A., was disposed of
on 15-7-1996. The operative portion of the judgment
(page 10 of the O.A. - para 9 of the judgment) reads
as follows:

"The applicant is entitled for notional fixation
of pay on par with his juniors from the date his
juniors were drawing more pay than him in the

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regular cadre of IOW Grade-I provided the seniority unit of applicant and his juniors are one and the same in the category of IOW Grade -II. The applicant is not entitled for any arrears due to the notional pay fixation. He is also not entitled for any arrears of final settlement benefits such as DCRG, Commutation of pension and leave encashment etc., except notional higher fixation of pension at the time of his retirement. He is eligible for getting pension as per the higher fixation from the date he has filed this O.A., i.e., from 31--10--1995.

The O.A., is ordered accordingly. No costs."

The applicant was informed by the respondents that he and his junior do not belong to the same seniority Unit viz., Construction Wing at Waltair. At that material time the applicant was in Construction Organisation of ~~Waltair~~ Bilaspur. Hence the applicant is not entitled for the relief as per judgment in the O.A.

The learned counsel for the applicant now submits that in view of provisional seniority list on Page 19 of the CP,, he is entitled for the relief as he is shown senior to the others at Sl.Nos., 136 and 153. But the above contentions cannot be examined in a Contempt Petition. If the applicant is aggrieved by the reply dated 4-12-1996 (Page 3 of the C.P.) he has to challenge that letter by filing a fresh O.A.

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If a fresh O.A., is filed as above, his seniority will be examined in accordance with the rules.

In view of what is stated above, we do not find any merit to consider the C.P. Hence the C.P., is closed. No costs.


B.S. JAI PARAMESHWAR
MEMBER (J)


R. RANGARAJAN
MEMBER (A)

31.7.97

Date: 31--7--1997.

Dictated in open Court.

SSS.


D.R. (S)