

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

CP 5/2002 (OA 566/99)

DATE OF ORDER : 22.10.2002

Poonam Chand son of Shri Budha Ram by caste Harijan, Resident of Nayapura, Kota (Rajasthan).

....Applicant.

VERSUS

1. Shri B.F.V. Prasad Reddy, Garrison Engineer (I), MES, Kota (Rajasthan).

2. Shri R.A. Nalviya, The Chief Engineer, Jaipur Zone, MES, Jaipur Cantt., Jaipur, Power House Road, Bani Park, Jaipur.

....Respondents.

Mr. Sunil Tyagi, Counsel for the applicant.

Mr. P.C. Sharma, Proxy counsel for

Mr. Sanjay Pareek, Counsel for respondent No. 1.

Mr. S.S. Hassan, Proxy counsel for

Mr. S.M. Khan, Counsel for respondent No. 2.

CORAM

Hon'ble Mr. H.O. Gupta, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

This Contempt Petition has been filed for alleged disobedience of the order of the Tribunal dated 6.11.2001 in OA No. 566/99.

2. Notices were issued to the respondents contemnors and they have filed their reply.

3. Heard the learned counsel for the parties. It is admitted by the parties the respondents have since complied the order of the Tribunal dated 6.11.2001. The contention of the learned counsel for the applicant is that the order of

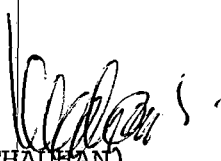
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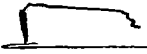
the Tribunal has been complied with but it has been complied with after substantial delay. He further submits that the order of the Tribunal specifically provides for taking the applicant on duty forthwith and since the order also contains that no back wages shall payable to the applicant, the respondents have intentionally delayed in complying with the order of the Tribunal. He prays that the applicant should be paid full pay & allowances for the period immediately after the order till he was taken on duty.

4. Mr. S.S. Hassan, Proxy counsel for Mr. S.M. Khan, Counsel for respondent contemner No. 2 submits that after the order of the Tribunal, they have agitated the matter before the Hon'ble High Court and when it was dismissed by the Hon'ble High Court, they have complied with the order of the Tribunal. Although there is some delay but delay was not intentional. He tenders apology for this delay on behalf of respondents contemnners.

5. We have considered the rival contentions of the parties. We are of the opinion that there is no wilful disobedience of the order of the Tribunal. However, there may be force in the contention of the learned counsel for the applicant that the applicant has been prejudiced in as much as no wages shall be payable for the delayed period. Let him agitate the same by filing a fresh OA.

6. This Contempt Petition is dismissed. Noticees are discharged.

  
(M.L. CHAUDHAN)  
MEMBER (J)

  
(H.O. GUPTA)  
MEMBER (A)

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