

7

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

11.01.2011

RA 02/2010 (CP 3/2009) (OA No. 157/2003)

Mr. C.B. Sharma, Counsel for applicant.
Mr. R.G. Gupta, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the RA is disposed
of.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan

(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 11th day of January, 2011

REVIEW APPLICATION NO. 02/2010
IN
CONTEMPT PETITION NO. 03/2009
IN
ORIGINAL APPLICATION NO. 157/2003

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Dr. Manish Shrivastava son of Shri L.K. Shrivastava aged about 34 years, resident of 42/56/10, Mansarovar, Jaipur. Presently working as Junior Hydrogeologist in Central Ground Water Board (W.R.), Jaipur.

.....Applicant

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Shri Shantanu Consul, Secretary to the Ministry of Mines, Government of India, Shastri Bhawan, New Delhi.
2. Shri Umesh Narain Pajiar, Secretary to the Ministry of Water Resources, Government of India, Shram Shakti Bhawan, New Delhi.
3. Shri B.M. Jha, Chairman, Central Ground Water Board, Government of India, CHQ, New CGO Complex, N.H.- IV, Faridabad.
4. Shri R.P. Mathur, Regional Director, Central Ground Water Board, 6-A, Jhalana Institutional Area, Jaipur.

.....Respondents

(By Advocate: Mr. R.G. Gupta)

ORDER (ORAL)

The respondents have filed this Review Application thereby praying that the order dated 27.07.2009 passed in Contempt Petition may be reviewed. The Review Application has been filed on the ground that while disposing of the Contempt Petition, this Tribunal has taken note of the reply affidavit filed by the respondents in the Contempt Petition wherein it was stated that the applicant has been extended



the benefits in terms of the judgment of the Tribunal and respondents have also made payment of Rs.1,34,240/- to the applicant. It was further stated that the respondents have also made the payment of Rs.9,636/- on 23.03.2009 to the applicant related to the arrears from 19.06.2008 to 28.02.2008.

2. In this Review Application, the respondents have stated that in fact the applicant was not entitled for monetary benefits and the fact of monetary benefit in the order dated 01.04.2009 was wrongly mentioned whereas the applicant was entitled for the monetary benefit from the date when he had actually resumed the charge of the post i.e. 21.12.2000. It is further stated that corrigendum of the order dated 01.04.2009 was also issued on the subsequent date i.e. 02.04.2009. The applicant was also aware of the corrigendum but despite, he had not brought this fact to the knowledge of the Tribunal.

3. The applicant has filed reply thereby objecting for reviewing the order dated 27.07.2009 passed in Contempt Petition on the ground that Review Application has been filed after the statutory period. Learned counsel for the applicant argued that earlier order dated 01.04.2009 was passed with the concurrence of the President of India whereas corrigendum dated 02.04.2009 was not passed with the concurrence of the President of India.

4. We have given due consideration to the submission made by the learned counsel for the applicant. The Contempt Petition was filed for the alleged violation of the order dated 31.05.2004. In the order dated 31.05.2004, directions given by this Tribunal, which was affirmed by

48

the Hon'ble High Court, was to the effect that respondents shall give appointment to the applicant against the vacancy on the post of Junior Hydrogeologist Group 'A', which fell vacant on account of resignation of two/three candidates mentioned in Para No. 3 of the order, with effect from the date the said post so fell vacant with all consequential benefits except that the monetary effect shall be given from the date when he actually assumes the charge of the said post. Thus from the order dated 31.05.2004 against which the Contempt Petition was filed, it is clear that applicant was not entitled to any monetary benefits from the date when the post fell vacant and monetary effect has to be given from the date when he actually assumed the charge of the said post. The fact whether the order granting monetary benefits was passed with the concurrence of the President of India or not is of no consequence. The fact remains that the applicant was not entitled for monetary benefits from his notional promotion but he was entitled for monetary benefits from the date he had actually assumed the charge of the post. As such, the Review Application filed by the respondents is in the nature of clarification and to bring to the notice of this Tribunal the factual position as in the earlier reply the applicant has not brought to the notice of this Tribunal the factual position and the Contempt Petition was disposed of on the basis of incorrect position indicated by the applicant in the reply. Be that as it may, since in Contempt Petition, we are concerned ^{with} for the implementation of the Court order and the order of this Tribunal dated 31.05.2004 does not stipulate that the applicant shall be entitled for consequential benefits, as such the clarification submitted by the respondents by way of Review Application is accepted. The Contempt Petition shall stand disposed of in terms of the clarification submitted by the respondents

in the Review Application ignoring the reply earlier filed by the applicant.

5. With these observations, the Review Application shall stand disposed of.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

AHQ