

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
CP No.156/1995 (OA No.1007/92) Date of order: 26.11.1997
N.B.Khandelwal S/o Shri C.D.Khandelwal, resident of I/E-162,
Prem Nagar, Jhotwara, Jaipur.

.. Petitioner

Versus

Kalyan Chandra, Regional Provident Fund Commissioner, Nidhi
Bhawan, Jyoti Nagar, Jaipur.

.. Respondent

Petitioner present in person

Mr. N.K.Jain, counsel for the respondent

CORAM:

Hon'ble Mr. O.P.Sharma, Administrative Member

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. O.P.Sharma, Administrative Member

In this Contempt Petition filed by the petitioner under Section 17 of the Administrative Tribunals Act, 1985, petitioner Shri N.P.Khandelwal has prayed that the respondent should be punished for committing contempt of court by not complying with the directions of the Tribunal given vide order dated 3.8.1994 while disposing of the OA No. 1007/92, N.B.Khandelwal Vs. Union of India and Ors. Paras 5 and 6 of the order dated 3.8.1994 at Annexure-A6 passed by the Tribunal read as under:

"5. A penalty of reversion to the lower post of LDC was imposed upon the applicant for a period of one year from the date of the issue of the order dated 2.1.88. The period of punishment expired on 2.2.89. The applicant should have been restored to the post of Head Clerk w.e.f. 3.2.89 and not w.e.f. 30.5.89 as has been done by the respondents. Since the bar to his repromotion was merely to last for a period of one year, in terms of the penalty



order, the promotion of the applicant to the post of Head Clerk should have been automatic on expiry of the currency period. If the applicant was working as a Head Clerk on ad hoc basis on the date the penalty was imposed his restoration on expiry of the period of one year would have also been on ad hoc basis. The question of holding of a DPC for considering the applicant's promotion to the post of Head Clerk on expiry of the currency period of the penalty would not arise.

6. In the result, this application succeeds and the respondents are directed to restore the promotion of the applicant to the post of Head Clerk w.e.f. 3.2.89. The applicant shall be entitled to all consequential benefits. There shall be no order as to costs."

2. We have perused the material on record including the reply filed by the respondents and Annexures thereto.

3. The learned counsel for the respondent has drawn attention to Ann.A2 dated 15.12.1994 by which the petitioner has been restored to the post of Head Clerk w.e.f. 3.2.89. He has further drawn attention to Ann.A5 dated 29.3.95 by which the petitioner's original seniority has been restored. He has also drawn attention to Ann.A1 dated 12.5.95 by which the petitioner has been granted promotion as A.A.O. The learned counsel for the respondent further stated that necessary payments have also been made to the petitioner as a consequence of the order of the Tribunal. The petitioner has stated that promotion to the post of A.A.O. has not been granted by the respondent with retrospective effect. We are, however, of the view that if the petitioner is aggrieved with regard to his promotion to the post of A.A.O., he is free to file a fresh application to agitate his grievance.

4. The directions of the Tribunal have been complied with by

Q
L

the respondent. The Contempt Petition is dismissed as having become infructuous. Notices issued are discharged.


(Ratan Prakash)

Judicial Member


(O.P. Sharma)

Administrative Member