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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

* * *

CP No.88/95 (O.No.1165/92) Date of order: 18-02-1998

Bhola Singh Rawat S/o Shri Mala Singh Rawat, retired HTNC
resident of Kapoor ki Bagichi, Adarsh Nagar, Ajmer

.. Petitioner

Versus

1. M.Ravindra, General Manager, Western Railway,
Churchgate, Bombay.
2. N.P.Singh, Divisional Railway Manager, Western
Railway, Ajmer Division, Ajmer.
3. Mashih-ul-Zamah, Secretary Railway Board,
Ministry of Railways, New Delhi.

.. Respondents

Mr. D.P.Gurg, counsel for the petitioner

Mr. Manish Bhandari, counsel for the respondents

CORAM:

Hon'ble Mr. O.P.Sharma, Administrative Member
Hon'ble Mr. Ratan Prakash, Judicial Member

O R D E R

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

In this Contempt Petition petitioner Shri Bhola Singh Rawat has prayed that the Tribunal should suitably punish the respondents for committing contempt of court for not complying with the directions of the Tribunal contained in the order dated 18-10-1994 passed in OA No.1165/92, Bhola Singh Vs. Union of India and Ors.

2. In the aforesaid order passed by the Tribunal on 18-10-1994, the Tribunal had referred to a communication Ann.A1 to the OA addressed by the Western Railway Headquarters to the DRM, Ajmer to the effect that the petitioner is treated as having completed the penalty of reduction as on 16-7-1984 and he may be posted to pre-reduction post of Deputy Yard Master from 16-7-1984.

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It was further stated therein that his pay on restoration shall not be less than what he was drawing prior to such reduction, with adjustments as may be necessary for increase of pay and allowances. The Tribunal in para 4 of its order had observed as follows:

"In the facts and circumstances, we direct that the letter, Annexure A-1, should be implemented in toto. The applicant should be considered as Dy. Yard Master from 16.7.1984 and the pensionary benefits arising because of increase in the status and expiry of the reduction period should be given to him. Pension should be revised afresh and all consequential benefits should be given to the applicant. Annexure A-1 is very specific that pay on restoration shall be not less than what he draws prior to reduction with adjustment. This clearly shows that the applicant is entitled for the benefit of pension on the pay which has been restored in toto. The objection of limitation will not survive particularly in a pension case and apart from that it is a case of recurring nature - how the pension should be calculated and counted and every day the cause of action arises."

3. The petitioner vide his letter dated 16-11-1994 asked the respondents to implement the aforesaid order. The petitioner claims fixation in accordance with the chart given by him in the Contempt Petition in which it has been stated that he is entitled to fixation in scale Rs. 205-280, which was later revised to Rs. 425-540. The scale of Rs. 205-280 was the one in which the petitioner was placed prior to the date on which the penalty of reduction was imposed on him. The petitioner has worked out the amount payable to him by adding increments from time to time and it appears to be that the respondents have not paid him pay and allowances as per the working made by him. The petitioner retired from service on 31-7-1984.

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The respondents have filed a communication Ann.R1 dated 20-7-1995 clarifying what amounts in fact are payable to the petitioner. Earlier, we had passed an interim order directing the respondents to properly comply with the directions of the Tribunal.

4. During the arguments, the learned counsel for the respondents clarified that the petitioner was not entitled to add increments during the period when he stood restored to the lower position as a measure of penalty. The error in calculation on the part of the petitioner emerges mainly on account of this approach of the petitioner. In the circumstances, we do not find any substantial error or omission in implementing the order of the Tribunal. If, however, any grievance of the petitioner survives, he is free to agitate the matter by filing a fresh OA.

5. In the circumstances, the Contempt Petition is dismissed. Notices issued are discharged.



(Ratan Prakash)
Judicial Member



(O.P.Sharma)
Administrative Member