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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 14.7.1999

CP 57/96 (OA 408/94)

Sugan Chand, Diesel Mechanic Grade-I, Loco (Diesel POH), Western Railway, Ajmer.

... Petitioner

Versus

1. Shri Sita Ram Verma, Dy.CME, Loco, Western Railway, Ajmer.
2. Shri M.Ravindra, General Manager, Western Railway, Churchgate, Mumbai.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Petitioner

... Mr.S.K.Jain

For the Respondents

... Mr.U.D.Sharma

O R D E R

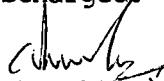
PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Petitioner, Sugan Chand, has filed this Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985, stating therein that the respondents by not complying with the order of the Tribunal, passed in OA 408/94 on 8.9.95, have committed contempt of court. It has also been prayed in the Contempt Petition that the respondents be directed to take the trade test of the petitioner.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. The respondents have stated that the retention test has since been conducted and the petitioner having been declared successful therein, has been promoted in the pay scale of Rs.5000-8000 and his pay has been fixed at Rs.5150/- in the said pay scale vide Annexure R-1 dated 6.3.98, there cannot be any wilful disobedience of the order. The order in the OA, referred to above, was passed on 8.9.95 and its compliance was made as late as on 6.3.98. The learned counsel for the respondents states that the delay in implementing the order of the Tribunal was due to filing of a Special Leave Petition against it. However, if the petitioner is aggrieved by the order passed by the respondents on 6.3.98, he is free to file a fresh OA. The order having been substantially complied with vide Annexure R-1 dated 6.3.98, we do not find that there was any wilful disobedience of the same.

4. In the result, the Contempt Petition is dismissed. Notices issued are discharged.


(N.P.NAWANI)
ADM.MEMBER


(GOPAL KRISHNA)-
VICE CHAIRMAN