

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of Order : 12.7.2000

CP 60/96
(OA 895/92)

N.O. Sharma S/o of Shri O.L. Sharma aged about 63 years, resident of Plot No. E-245, Ram Path, Shyam Nagar, Jaipur. Retired S.E.E., Western Railway.

.... Petitioner

Versus

1. Shri Bala Kesri, Secretary, Railway Board, Rail Bhawan, Rafi Marg, New Delhi.
2. Shri M. Ravindra, General Manager, Western Railway, Church Gate, Mumbai - 20.

.... Respondents.

Mr. S.K. Jain, Counsel for the Petitioner.
Mr. Anupam Agarwal, Proxy counsel for
Mr. Manish Bhandari, Counsel for the respondents.

CORAM

The Hon'ble Mr. S.K. Agarwal, Member (Judicial)
The Hon'ble Mr. S. Bapu, Member (Administrative)

ORDER

(PER HON'BLE MR. S. BAPU, MEMBER (ADMINISTRATIVE))

This Contempt Petition has been filed alleging that the respondents have failed to comply with the judgement and order of this Tribunal dated 31.8.95 in OA 895/95.

2. OA 895/95 was disposed on 31.8.95. Certain directions were given in favour of the applicant with regard to grant of increments, proforma promotion, fixation of pay and pensionary benefits. The respondents passed an order No. E/D/II/503 dated 5.1.1996 implementing the aforesaid order of this Tribunal. He

...2/-

was given deemed promotion to senior scale, his pay was re-fixed and arrears were also granted and pensionary benefits were ordered to be revised.

3. In the present contempt application, the grievance of the petitioner is that the proforma promotion ought to have been given from ^{an} ~~the~~ earlier date and not as given in the implementing order dated 5.1.96 and, therefore, it is alleged that respondents have deliberately not complied with the order dated 31.8.95 of this Tribunal.

4. We have heard the learned counsel for the parties and have perused the judgement of this Tribunal dated 31.8.95 and also the implementation order of the respondents passed on 5.1.96.

5. We find that respondents have complied with the direction given in the order dated 31.8.95 of this Tribunal. May be the relief granted by the respondent is not to the full satisfaction of the applicant. If that is so, the only ^{course} ~~cause~~ left ^{open} ~~to~~ to the applicant is to pursue the matter separately in fresh application. It cannot be said that respondents have committed contempt by not granting the relief to the extent expected or wished for by the applicant. What we have to see ^{is} ~~that~~ whether the respondents have complied with the order of this Tribunal, of course not in a casual or ^{casual} ~~courtesy~~ manner. In this case, we find that respondents have complied with the order of the Tribunal and have not committed any contempt.

6. This Contempt Petition is, therefore, dismissed.

(S. BAPU)
MEMBER (A)

(S.K. AGARWAL)
MEMBER (J)