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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 05.02.1998

CP 26/97 (OA 1052/92)

Tulsi Ram Sharma, Divisional Accounts Officer (Retd.), 93/61, Agarwal Farm, Kshipra Path, Mansarovar, Jaipur.

... Petitioner

Versus

1. Dhooth Nath Prasad, IA & AS, Accountant General (A&E), Rajasthan, Jaipur.
2. Smt. U. Shanker, IA & AS, Accountant General (Audit), Rajasthan, Jaipur.
3. V.K. Shungloo, Comptroller & Audit General of India, 10, Bahadur Shah Safar Marg, New Delhi.

... Respondents

CORAM:

HON'BLE MR. G. P. IRISHNA, VICE CHAIRMAN

HON'BLE MR. G. F. SHARMA, ADMINISTRATIVE MEMBER

For the Petitioner

... Mr. N. P. Singh

For the Respondents

... Mr. S. S. Hasan

O-R-D-E-R

PER HON'BLE MR. G. F. SHARMA, ADMINISTRATIVE MEMBER

In this Contempt Petition the Petitioner Shri Tulsi Ram Sharma has prayed that cognizance may be taken of the civil contempt of court committed by the respondents in not implementing the directions of the Tribunal contained in the order dated 22.9.93 (Annexure I) in OA 1052/92, Tulsi Ram Sharma v. Union of India and others.

2. The learned counsel for the petitioner stated that while the selection grade has been granted to the petitioner w.e.f. 1.1.1986 and arrears of pay and allowances have also been paid but the promotions, as asked for, have not been granted to the petitioner and apology has been tendered only by one of the respondents on behalf of all the respondents in the Contempt Petition. He has, therefore, prayed that the respondents be suitably punished for not complying with the directions of the Tribunal completely and within time.

3. The learned counsel for the respondents stated that the directions of the Tribunal, as given in paragraph-5 of its order dated 22.9.93, have been complied with fully. However, according to him, apology has been tendered only for the reason that there was delay in implementing the order of the Tribunal because the department had challenged the Tribunal's order before the Hon'ble Supreme Court and implementation of the order of the Tribunal was done after the department's appeal had been dismissed by the Hon'ble Supreme Court.

G. J.

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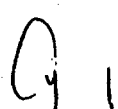
4. We have heard the learned counsel for the parties and have perused the material on record.

5. Paragraph-5 of the Tribunal's order dated 22.9.93 reads as under :-

"In view of the above, we allow this application and since the applicant has already been found suitable for the Selection Grade, which has been allowed to him w.e.f. 24.7.87, he should now be given this Selection Grade Rs.1640-2900 w.e.f. 1.1.86, with all consequential benefits. Arrears on this account shall be paid to him within a period of four weeks from the date of receipt of a copy of this order. The parties to bear their own costs."

6. The admitted position is that Selection Grade has since been granted to the petitioner w.e.f. 1.1.1986 and arrears of pay and allowances as a consequence thereof have also been granted to the petitioner. No doubt there is a mention in the Tribunal's order that Selection Grade has to be granted to the petitioner w.e.f. 1.1.1986 with all consequential benefits. However, apparent consequential benefits are the pay and allowances and any other consequential benefits would be matters of interpretation and arguments.

7. In the circumstances of the present case, we are of the view that the order of the Tribunal has been complied with. It is rather unfortunate that there was delay in implementing the order of the Tribunal but in the circumstances narrated by the respondents leading to the delay, we do not want to take any serious note of the delay caused in implementing the order of the Tribunal. In the circumstances, the Contempt petition is dismissed. Notices issued are discharged.


(D.P. SHARMA)

ADM. MEMBER


(GOPAL PRICHIA)

VICE CHAIRMAN

VK