

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Order : 17.12.2003

Contempt Petition No.52/2003.

IN

Original Application No.7/1999.

Mishri Lal S/o Shri Chhotey Lal, aged about 57 years, R/o House No. 1117/29, Sidharth Nagar, Nagbai, Ajmer, last employed on the post of H.S.K. Grade II No. 11952/22, Carriage Workshop, Western Railway, Ajmer.

... Applicant.

v e r s u s

1. Shri Devendra Kumar, Deputy Chief Mechanical Engineer (Carriage), C&W Shop, Ajmer, Northern Western Railway, Ajmer.

... Respondents.

Mr. Shiv Kumar counsel for the applicant.

Mr. T. P. Sharma counsel for the respondents.

CORAM

Hon'ble Mr. M. L. Chauhan, Member (J).

Hon'ble Mr. A. K. Bhandari, Member (A).

: O R D E R :
(per Hon'ble Mr. M. L. Chauhan)

While disposing of the OA No.7/1999, this Tribunal issued the following directions in Para 9 of the order dated 17.09.2002 (Annexure CP-I) as under :-

"The OA is allowed. The order of the Disciplinary Authority dated 10.04.1997 (Annexure A-4) imposing major penalty of removal from service upon the applicant and order dated 27.01.1999 (Annexure A-15) of the Appellate Authority rejecting the appeal of the applicant are quashed and set aside with all consequential benefits like pay, promotion, seniority etc. The applicant is also awarded cost of Rs.1000/-."

2. Since this order was not complied with, the applicant filed the present CP. Notice of the CP was issued to the respondents. The respondents have filed the reply, in which it is stated that the judgement of this Tribunal has been complied with and the applicant has been granted all the benefit and total amount of Rs.7,22,842/- against the Salary and allowances in

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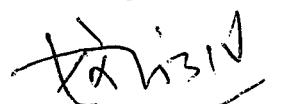
which the amount Rs.44,637/- deducted for GPF contribution, Rs.4350/- deducted for GIS contribution and after deduction of above contributions the actual amount payable to the applicant comes to Rs.6,73,495/-, which has already been paid to the applicant vide Cheque No. 014031 dated 17.10.2003. They have also annexed the copy of the cheque and marked as Annexure CP-R/6 & R/7. It is further stated that vide various orders dated 02.01.2003, 06.01.2003, 06.05.2003, 23.09.2003, 25.09.2003, the direction of this Tribunal has already been complied with by giving benefits to the applicant.

3. We have heard the learned counsel for the parties.

4. Learned counsel for the petitioner contends that the arrear on account of notional promotion has not been granted to the petitioner and as such the judgement has not been complied fully.

5. We have considered the submissions made by the learned counsel for the petitioner and we are prima facie satisfied that the order of the Tribunal has been complied with and in case the petitioner is still aggrieved that full benefits in terms of the aforesaid order passed by this Tribunal has not been granted to him, he will be at liberty to file the substantive OA in this regard.

6. With these observations, the CP is dismissed and the notices issued to the respondents are hereby discharged.



(A. K. BHANDARI)
MEMBER (A)



(M. L. CHAUHAN)
MEMBER (J)