

8

19.02.2009

CP 51/2008 (OA No. 681/1993)

Mr. Nand Kishroe, Counsel for applicant.
Mr. Anupam Agarwal, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the CP is disposed
of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 19th day of February, 2009

CONTEMPT PETITION NO. 51/2008
IN
ORIGINATION APPLICATION NO. 681/1993

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Smt. Mohani Devi Dayma wife of Late Shri Rameshwar Lal Dayama,
aged about 65 years, resident of 1-C-40 Shakti Colony, Narika Naka,
Jaipur, L.R. of Shri Rameshwar Lal Dayama.

.....APPLICANT

(By Advocate: Mr. Nand Kishore)

VERSUS

1. Shri Ganga Ram Agarwal, Divisional Railway Manager, North Eastern Railway, Power House Road, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. Anupam Agarwal)

ORDER (ORAL)

The applicant has filed this Contempt Petition for the alleged violation of the order of this Tribunal dated 11.01.2008 passed in OA No. 681/1993 whereby this Tribunal in operative operation at Para No. 8 has issued the following directions:-

"8. Accordingly, it is held that there existed a post of Chief Typist in the scale of Rs.550-750 and the applicant shall be deemed to have been promoted as Chief Typist in the scale of Rs.550-750 w.e.f. 6.3.85 against upgraded vacancy of Chief Typist in the scale of Rs.550-750 and the applicant is entitled to all benefits in terms of para 5 of the judgment dated 13.7.93 in TA 1548/86. The said direction shall be complied with within a period of four months from today. In the facts and circumstances, the applicant shall be entitled for the cost which is assessed as Rs.5000/- to be paid by the respondents within the aforesaid period."

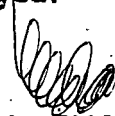
lh

2. Pursuant to the directions issued by this Tribunal, the respondents have issued an order dated 11.08.2008 (Annexure CP/2). When the matter was listed before this Tribunal, this Tribunal issued notices to the respondents. The respondents have filed reply. The respondents in the reply have drawn our attention to the order dated 11.08.2008 (Annexure CP/2) whereby the applicant has been granted revised pay scale of Rs.550-750 w.e.f. 06.03.1985 in compliance of the directions issued by this Tribunal. The grievance of the applicant in the Contempt Petition is that subsequently the applicant was also reverted and his pay was reduced, which course was not admissible for the respondents.

3. We have given due consideration to the submission made by the learned counsel for the applicant. We are in Contempt Petition in which no direction can be given over and above the relief granted in the main OA. As can be seen from operative portion of the order, as reproduced above, this Tribunal has held that the vacancy was available in the grade of Rs.550-750 w.e.f. 06.03.1985, as such the contention of the respondents that vacancy was available in the year 1993 was rejected and direction was given to grant the said scale with effect from the aforesaid date, which direction had been complied with by the respondents. In case the applicant is aggrieved in the manner as stated above, it will be open for him to file substantive OA and certainly the present Contempt Petition is not proper remedy.

4. With these observations, the Contempt Petition is disposed of. Notices issued to the respondents are hereby discharged.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ