

Central Administrative Tribunal
Patna Bench, Patna.
 [Circuit Court at Ranchi]

CP/51/00033/2015
Arising out of OA 51/00027/2014

Date of Order:- 22.10.2018

C O R A M

Hon'le Shri K.N. Shrivastava, Member A)
 Hon'ble J. V. Bhairava, Member [J]

1. Kawish Kumar, son of Sri Thakur Prasad Srivastava, R/o Savitri Enclave First Floor, 'C' Block Manohar Nagar Housing Colony, Dhanbad, District- Dhanbad, Pine Code No. 826001, presently posted as Mail Guard at East Central Railway, Dhanbad, Division, Dhanbad-826—1 and 64 others.

....Applicant

By Advocate : None

Vs.

1. Manoj Kumar, the Senior Divisional Personnel Officer, East Central Railway, Dhanbad (Jharkhand)-826001 and five others.

..... Respondents.

By Advocate : Shri P. D. Singh

O R D E R
(oral)

Per K.N. Shrivastava, M [A] :-

This Contempt Petition has been fled for alleging non-compliance of the order of this Tribunal dated 14.01.2015 in O.A. No.51/00027/2014. In the said order, following directions were issued :-

"In view of the above, this Tribunal holds that the prayer of the applicants in this OA is both just and justifiable. As such, reliefs prayed for in para 8 of this OA are allowed in full. The impugned orders referred to in para 8 [a], [b] and [c] are quashed and set aside. Further the respondents are directed to restore the financial upgradation granted under MACP to the

applicants within a period of three months from the date of receipt/communication of this order. It is reiterated that the ruling of this Tribunal is based on the orders dated 22.02.2012 and 24.09.2012 passed by Ernakulam Bench and Allahabad Bench of this Tribunal in similar matters; that these rulings have stood the test of time and scrutiny. That the decision of Hon'ble High Court, Allahabad in CWJC No. 18244 of 2013, decided on 19.07.2013, stands testimony to this foundation."

2. It is noted from the records that the order dated 14.01.2015 of the Tribunal was challenged by the respondents before the Hon'ble Jharkhand High Court in a writ petition which was dismissed. Thereafter, the respondents filed SLP No. 4501/2017 before the Hon'ble Apex Court. The said SLP has been dismissed by the Hon'ble Apex Court vide order dated 24.03.2017. As such, the respondents are legally obliged to implement the order of this Tribunal.

3. From the records, it is quite apparent that the order of the Tribunal has already been complied with by the respondents restoring the benefits of MACP albeit subject to the outcome of the SLP.

4. In view of the dismissal of the SLP by the Hon'ble Apex Court, the restoration of MACP benefits to the applicants has attained finality.

5. In view of the above, we are satisfied that the order of this Tribunal has been complied with. Accordingly, we close the Contempt Petition and discharge the notices issued to the respondents.

[Jayesh V. Bhairavia] M [J]

[K.N. Shrivastava] M [A]

/mks/