

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 232/2004
OA 2223/2003
MA 1996/2004

New Delhi, this the 3rd day of December, 2004

Hon'ble Mr. Justice M.A. Khan, Vice-Chairman (J)
Hon'ble Mr. S. K. Malhotra, Member (A)

Shri Banwari Lai
L.D.C. Guru Nanak Eye Centre,
(Govt. of Delhi)
Maharaja Ranjit Singh Marg,
New Delhi.

...Petitioner

(By Advocate Ms. Dharam Deshna)

Versus

1. Shri H. Rajesh Prasad
Deputy Commissioner
North East
Govt. of NCT of Delhi
DSIDC Complex
Nand Nagari,
Delhi -94.
2. Shri R.L. Mishra
Secretary / Additional Secretary of Services,
Delhi Secretariat, 5th Level,
A Wing, I.P. Estate, New Delhi.

...Respondents.

(By Advocate Shri Harvir Singh)

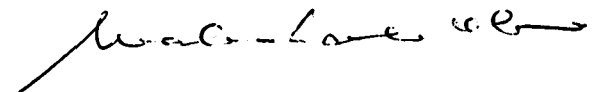
O R D E R (ORAL)

MA 1996/2004

This application has been filed for placing on record the present correct address of the respondent no.2. Learned counsel for the respondent no.2 is already present. The application stands disposed off.

CP 232/2004

The applicant was working as Ward Boy in Guru Nanak Eye Centre, G. B. Pant Hospital, when he was placed under suspension because of his



involvement in a criminal proceeding in FIR No. 26/93 under Section 7 read with Section 13 of the Prevention of Corruption Act. He was acquitted of the charges and was reinstated in service. He was not paid the difference of wages for the suspension period, for which he filed OA 2223/2003. It was disposed off by the Tribunal on 12-9-2003 by following order:

"4. The applicant has placed on record a certified copy of the order passed by the Special Judge, Delhi whereby he has been acquitted. Keeping in view this fact, it would be in the fitness of thing and accordingly, it is directed that respondent no.2 will consider the totality of the facts and pass an order preferably within four months from the date of receipt of a copy of this order pertaining to the pay and allowances of the applicant."

2. The applicant has filed the instant Contempt Petition complaining that the respondents have deliberately and wilfully disobeyed the aforesaid order of this Tribunal.

3. The show cause notice was issued to the respondents. In their reply, the respondents have submitted that the order has been duly complied with and the respondents have not only paid the amount of Rs.148158/- as arrears of salary and other dues but the applicant has also been promoted to the post of U.D.C. by an order dated 2.12.2004. It is further ordered that he would not be entitled to receive the pay and allowances for the period for which he had not actually worked as U.D.C. He had, however, been allowed to exercise his option, with regard to fixation of pay as per F.R.22 rules.

4. It is clear that the order of this Tribunal has been complied with by the respondents. If the applicant is still not satisfied, he is at liberty to take appropriate legal remedy to redress his grievance in accordance with law.

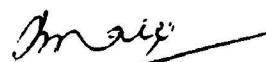
5. From the facts and circumstances of the case, we do not find that the respondents could be held to have disobeyed the order of the Tribunal wilfully and contumaciously calling for an action under the Contempt of Courts Act. We

Handwritten signature




3

do not find any merit in the application. Notice is discharged and the CP 232/2004 is dismissed .


(S.K. Malhotra)
Member (A)

/gkk/


(M.A. Khan)
Vice-Chairman (J)