

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 281/2008
OA 118/2003

New Delhi this the 17th day of September, 2008

Hon'ble Mr. Justice M.Ramachandran, Vice-Chairman (J)
Hon'ble Shri N.D. Dayal, Member (A)

Shri Varinder Gupta,
S/o Shri Madan Mohan Gupta,
Aged about 46 years
C/o Control Officer DRM Office,
New Delhi.

-Applicant.

(By advocate: Ms.Pragnya Routray)

Versus

1. Shri Shree Prakash
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Shri Rakesh Saxena, Divisional Railway Manager,
(DRM) Office, State Entry Road, New Delhi.
3. Shri Rakesh Tyagi Divisional Personnel Officer,
(DRM) Office, State Entry Road, New Delhi. -Respondents

(By Advocate: Shri Shailendra Tiwary)

ORDER (Oral)

Hon'ble Mr. Justice M.Ramachandran, Vice-Chairman(J)

The matter was listed today.

2. Heard the counsel for both sides. Respondents have come with Annexure R-1 and claimed that there is full compliance of the Tribunal's order and that the applicant has been given benefit of proforma fixation of pay from 10.09.1999, the date from which the alleged junior has been given the posting.




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(2)

3. The applicant opposes the claim. It is contended that he will be entitled to backwages, as of right in view of the direction passed by the Tribunal while disposing of OA 118/2003 on 20.11.2003 and as confirmed by the High Court and when it is not extended, there cannot be claim for complacence.

4. We note that the OA is allowed with all consequential benefits. The consequential benefits can be understood as subject, to statutory prescriptions, and Mr.Tiwary submits that as the applicant has not shouldered the jobs of a clerk, as per Rules, it may not be possible for him to claim such benefits. The issue is debatable. Perhaps at least after the date of the Tribunal's order, a claim might be sustainable. But as of now we find that there is no contumacious disobedience of the Tribunal's order which alone is relevant now.

5. In the circumstances, contempt petition is closed. However, liberty is granted to the applicant to take up the matter, in case there is further grievance to be addressed. Notices stands discharged.


(N.D. Dayal)
Member (A)


(M. Ramachandran)
Vice-Chairman (J)

/kdr/