

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 435/2004
IN
OA 1000/2003

New Delhi, this the 18th day of January, 2005

Hon'ble Mr. Justice M.A.Khan, Vice-Chairman (J)
Hon'ble Mr. D.R.Tiwari, Member (A)

Sh. A.K.Malhotra
S/o Late Sh. B.L.Malhotra
PD-28-C LIG Flats
Vishakha Enclave
Pitam Pura, Near ND Market
Delhi - 110 088.

...Applicant

(By Advocate Sh. S.M.Ratanpaul)

V E R S U S

Ms. Tinoo Joshi
Development Commissioner (Handicrafts)
West Block No.7, R.K.Puram, New Delhi - 66.

...Respondents

(By Advocate Sh. K.R.Sachdeva)

O R D E R (O R A L)

Mr. Justice M.A.Khan,

Vide order dated 29-12-2003 in OA 1000/2003, Tribunal had given the following directions: -

'13. Accordingly, we allow the OA with following directions:-

(i) As regards the restoration of pay scale from back date is concerned, the respondents in their additional affidavit stated that the pay of the applicant has already been re-stored vide their order dated 28-10-2003. However, we direct the respondents that the arrears, if any, be paid to the applicant within four months from the date of receipt of the copy of order.

(ii) As regards the regularization of the JFOs is concerned, respondents are directed to consider the case of the applicant for regularization in accordance with the instructions and judicial pronouncements made on the subject by referring the case to the UPSC within four months from the date of receipt of a copy of this order. No costs.'

2. Review Application was also disposed off vide order dated 8.3.2004. The present application has been filed by the applicant — 2/-

M.A.Khan


complaining that the order of the Tribunal has not been obeyed willfully and contumaciously.

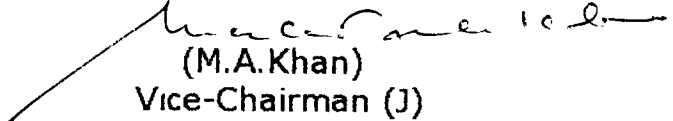
3. At the hearing, however, Id. counsel for the applicant, has submitted that direction of the Tribunal in sub-para (1) of para 13 of the order dated 29-12-2003 has been implemented and the arrears have been paid to the applicant almost a month back. As regards the second direction contained in sub-para (ii) of the said paragraph, it is submitted that it has still not been implemented although more than a year has passed. Id. counsel for the respondent has drawn our attention to the reply submitted on behalf of the respondent to the show cause notice and it is submitted that the department has taken the action promptly but since the intra departmental consultation was required, action could not be finalized, causing unintentional delay. It is submitted that the UPSC which is an independent body, and Ministry of Finance were required to be consulted and that was the main reason for the delay.

4. Learned counsel for the respondent on behalf of his client has given an undertaking to the Tribunal that the directions of the Tribunal in sub-para (ii) of para 13 of the order dated 29-12-2003 will be implemented within a period of three months from today. We accept the undertaking.

5. In view of the undertaking, we do not consider it as a fit case to proceed in the matter further. We discharge the notices and dismiss the CP.

6. However, we leave it open to the applicant to approach this Tribunal again under the contempt proceedings or in any other appropriate action in accordance with law in case the undertaking given to the Tribunal is not complied with by the respondents.


(D.R. Tiwari)
Member (A)


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

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