
(2022) 02 CAT CK 0028

In the Central Administrative Tribunal

Case No : Civil Miscellaneous Contempt Petition No. 66 Of 2018 In Original Application No. 796 Of 2014

Chandra Pal Singh

APPELLANT

Vs

V.P. Singh, CPMG, U.P. Circle, Lucknow & Others

RESPONDENT

Date of Decision : 17-02-2022

Acts Referred:

Citation : (2022) 02 CAT CK 0028

Hon'ble Judges : Tarun Shridhar, Member (A); Pratima K Gupta, Member J

Bench : Division Bench

Advocate : O.P. Gupta, L.M. Singh, R.P. Maurya

Final Decision : Disposed Of

Judgement

Tarun Shridhar, Member (A)

1. We have joined this Division Bench online through video conferencing.
2. Shri O.P. Gupta, learned counsel for the petitioner and Shri L.M. Singh and Shri R.P. Maurya, learned counsel for the respondents are present.
3. The instant contempt petition has been filed alleging non compliance of the order dated 31.10.2017 passed by this Tribunal in OA No.796 of 2014.

While deciding that OA this Tribunal had directed the reinstatement of the applicant to the post of Postman with effect from the date his services were terminated and also sanction of all the consequential benefits to him.

4. Learned counsel for the respondents had filed an affidavit of compliance but we had expressed serious dissatisfaction with that. We had specifically recorded that it appears that the respondents were trying to circumvent the direction of this Tribunal as instead of reinstating the applicant they had given him fresh appointment which meant that the applicant was denied the

benefits of past service. As an additional opportunity, we had directed the respondents to file a fresh and better compliance affidavit otherwise the concerned officers will be liable for action under the contempt of court Act.

5. The respondents, in response, have filed a fresh affidavit on 13.02.2022, which they call a better compliance affidavit. This affidavit states that the directions of the Tribunal issued in the aforesaid OA have been complied with in letter and spirit.

6. Learned counsel for the respondents draws attention to the fresh order passed on 07.02.2022 by the Superintendent of Post Offices, Bijnor Division

which clearly mentions that the applicant is reinstated as Postman w.e.f. 15.01.2010 with consequential service benefits.

7. For the sake of clarity the operative part of the order passed by Superintendent of Post Offices is reproduced below :-

“Now, therefore, in pursuance of the orders contained in R.O. Bareilly letter No.RPB/LC/CAT-76.BJR/2014 dated 31.01.2022 the

undersigned hereby order to comply with the orders of Hon’ble CAT Allahabad Bench dated 31.10.2017 passed in OA No.796 of 2014 ,

subject to the outcome of W.P. No.14899/2018 filed by the Department before Hon’ble High Court Allahabad.

In compliance of aforesaid orders Sh. Chandra Pal Singh is hereby reinstated as Postman w.e.f. 15.01.2010 with consequential service

benefits. However, it is made clear that the applicant will not be entitled for the salary for the period he has not worked as Postman, but the

period will count towards his service as postman.”

8. Learned counsel for the applicant while acknowledging that the applicant has been reinstated mentions that the latter part which mentions

consequential service benefits is obscure. He mentions that the respondents should have clearly mentioned as to what consequential benefits would be

admissible to the applicant. He mentions that in particular the applicant would be entitled to re-fixation of his salary, seniority and promotion if it was

due to him during this period. Therefore, the learned counsel for the applicant argues that the compliance is still not complete and hence the contempt

proceedings should continue.

9. We have heard learned counsel for the parties and gone through the documents available on record.

10. The direction issued by the Tribunal in the aforesaid OA is in two parts i.e. (a) Reinstatement of the applicant and (b) Award of consequential benefits.

11. We find that there is no infirmity in the order dated 07.02.2022 passed by the respondents. The applicant has been reinstated and the order categorically mentions that the consequential benefits shall be given. We expect that the respondents would ensure that the consequential benefits

which flow out of this order shall be granted in favour of the applicant expeditiously. The scope of the contempt petition does not authorize us to define these benefits and direct their award.

12. With these observations, the contempt proceedings are closed. Notices are discharged.

13. All the MAs pending in this contempt petition are disposed of as having become infructuous.