

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

C.P.NO.371/2001 IN  
O.A.NO.365/2001

Thursday, this the 10th day of January, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri M.P. Singh, Member (A)

Balkrishna Shrivastava S/O Late Ghanshyam Rai  
Retired Station Supdt. Agra Fort (WR)  
R/O 1197 Seth Bara Behind Allahabad Bank  
Tilak Dwar Mathura - 281 001

(By Advocate: Shri D.P.Sharma) .Applicant

Versus

1. Shri Bal Keshri  
Secretary Railway Board  
Ministry of Railways  
Govt. of India, New Delhi
2. Shri I.C. Sharma  
Divisional Railway Manager  
Western Railway (Raj)

(By Advocate: Shri Anand Singh for Mrs. Meera Chhibber) Respondents

O R D E R (ORAL)

Justice Shri Ashok Agarwal:

Applicant had earlier approached this Tribunal by instituting OA-365/2001 with a grievance of non-payment in respect of leave salary, non-accident award and interest. Aforesaid OA was disposed of by an order passed on 16.2.2001 at the admission stage itself even without issue of notice with a direction to the respondents to finalise the payments claimed within a period of three months from the date of receipt of a copy of the order. Applicant has thereafter instituted the present Contempt Petition claiming non-compliance of a part of the order whereas he has been paid leave salary, interest on DCRG and commutation of pension, According to the applicant, he has not been paid non-accident amount and full interest on commutation of pension and DCRG. He has merely been paid

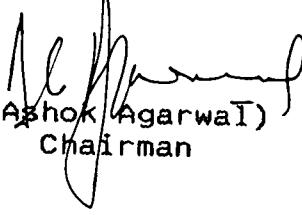
(2)

part of the interest. In our view, aforesaid payment cannot be made the subject matter of a Contempt Petition. It is to be remembered that aforesaid order had been passed ex-parte and without notice to the respondents. Had notice been issued, respondents would have had the opportunity to agitate the aforesaid claim before the Tribunal in which case the claim now made may or may not have been granted. Remedy, if any, of the applicant would lie by filing an independent OA. No cause, therefore, has been made out to take action for contempt.

2. Present Contempt Petition, in the circumstances, is dismissed. Notices earlier issued are discharged. No costs.

  
(M.P. Singh)  
Member (A)

/sunil/

  
(Ashok Agarwal)  
Chairman