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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

CP NO. 597/2001 IN
OA NO. 927/1999

New Delhi, this the 15th day of February, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. M.P.SINGH, MEMBER (A)

Shri Ram Nath Ghai
S/o Shri Shadilal Ghai
Retired as Mistry
under Senior Electric Foreman (Power)
Northern Railway
Baroda House,
New Delhi
R/o House No.2316/A2 Behind
Shiv Mandir, Raja Park,
Shakurbasti,
Delhi-110 034.Applicant
(By Advocate Shri S.K. Sawhney)

Versus

1. Shri S. Dashrathi,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Sh. A.P.Mishra,
Divisional Railway Manager,
Northern Railway,
Chelmsford Road,
New Delhi.
4. Shri/Ms. Kanwal Sachdeva,
Sr. Divisional Personnel Officer,
Northern Railway,
DRM Office, Chelmsford Road,
New Delhi.Respondents
(By Advocate Shri. Rajeev Sharma)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

This is a contempt petition filed by the applicant
whereby the applicant has submitted that this court while
allowing the OA had directed the respondents as under:

"In view of the above discussion, the OA is
allowed. The respondents are directed to count
the 50% of the period of his service rendered
as casual labourer w.e.f. 18.4.54 to 27.8.63
in accordance with the rules, instructions and
judicial pronouncements on the subject. The

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pension of the applicant will be re-fixed accordingly. These directions shall be implemented within a period of 2 months from the date of receipt of a copy of this order. No costs."

2. The grievance of the applicant is that this order has not been complied with in full as the respondents have calculated his pension only after 1.1.61 by counting his service from 1.1.1961 and as such the order has been complied to that extent and the payment has been made. The disputed period remains from April, 1954 to December, 1960.

3. The respondents have taken a plea that according to Rule 31 of Pension Manual of Railways if an employee who has been engaged and is being paid from contingency fund shall be taken into account for calculating pensionary benefits on absorption and regular employment subject to various conditions, but otherwise there is no dispute about the period for which he is not being paid from contingencies fund, rather from consolidated fund, thus he is entitled to count his service prior to that. As per the judgment in this case, the court has finally come to the conclusion that as per letter exhibit A-2 the court had informed that the applicant had been working w.e.f. 18.4.54 to 27.8.63. There is no finding recorded that the applicant was being paid from contingency fund and that is why a specific direction was also given to the respondents to count the service of the applicant as casual labour from April 1954 to August 1963. It was also mentioned in the judgment that at the relevant time the applicant was working as a substitute on the basis of the statement of the Railway itself

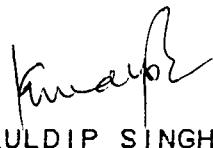
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in their counter affidavit and as such Rule 31 cannot come in the way of the applicant and this objection, as taken by the respondents, has no merits.

4. Accordingly, respondents are further directed to comply the judgment in full within a period of one month from the date of receipt of a copy of this order. CP is dropped.


(M. P. SINGH)
Member (A)


(KULDIP SINGH)
Member (J)

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