

Central Administrative Tribunal  
Principal Bench

CP 56/98  
in  
OA 2165/96

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New Delhi this the 7<sup>th</sup> day of August, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri K. Muthukumar, Member(A).

Shri Kashmiri Lal ... Petitioner.

Versus

1. Shri S.P. Mehta,  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Shri K.K. Chaudhary,  
Divisional Railway Manager,  
Northern Railway,  
DRM Office, Chelmsford Road,  
New Delhi. ... Respondents.

By Advocate Shri R.L. Dhawan.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

We have seen the pleadings in the contempt petition filed by the applicant in which he has claimed that the respondents have failed to implement the order of the Tribunal in O.A. 2165/96 dated 3.10.1997. The applicant has alleged that the respondents have wilfully disobeyed the directions of the Tribunal and, therefore, should be punished under the Contempt of Courts Act. Shri S.K. Sawhney, learned counsel, has, however, submitted that the alleged disobedience of the order is only with respect to payment of arrears of HRA and leave encashment for 46 days, as mentioned in paragraph 8 (iii) of the order dated 3.10.1997 and the other directions have been *is complied with.*

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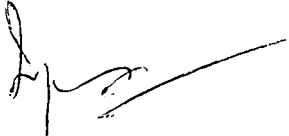
2. We have seen the replies filed by the respondents to the contempt petition. It is admitted that the respondents in compliance with the aforesaid order issued the letter dated 17.4.1998 (Annexure R-1). The respondents have submitted that they have complied with the orders and have also explained how the due payment in respect of leave encashment has been made. Shri R.L. Dhawan, learned counsel, has also submitted that the orders of the Tribunal were to pay the arrears of additional DA, HRA and leave encashment for 46 days, "if already not paid." He submits that the amounts due under these heads have already been paid to the applicant as per the details given in Annexure R-1. They have also submitted that the HRA amount due has also been paid to the applicant. He has also submitted that in case the applicant is not satisfied, as per the order of the Tribunal liberty had been given to the applicant to agitate the matter and he cannot seek further directions in the contempt petition. Shri Sawhney, learned counsel, on the other hand, has submitted that the leave encashment amount was still due to be paid by the respondents and he has referred to the averments and arguments taken by him in the O.A. which has been disposed of by order dated 3.10.1997.

3. We have carefully considered the aforesaid submissions of the learned counsel for the parties. From a perusal of the reply and the submissions made by the respondents, we are unable to agree with the contention of Shri S.K. Sawhney, learned counsel, that there has been any contumacious, deliberate <sup>disobedience</sup> or negligence on the part of the respondents in implementing the order of the Tribunal. The order has clearly stated that the respondents may release the arrears of HRA and leave encashment for 46 days, "if not already paid" <sup>RS</sup>

RS

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released, together with the details of payments for information of the applicant. As this has already been done, the contempt petition is not maintainable. CP is accordingly dismissed. Notices issued to the respondents are discharged.



(K. Muthukumar)  
Member (A)



(Smt. Lakshmi Swaminathan)  
Member (J)

SRD