

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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C.P. NO. 62/1995
in
O.A. NO. 870/1993

New Delhi this the 20th day of December, 1995.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN
HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)

K. J. Krishna,
R/O 29-C, MIG Flats,
A-2/B, Paschim Vihar,
New Delhi-110063.

... Petitioner

(In person)

-Versus-

General Manager,
Northern Railway,
New Delhi.

... Respondent

(By Shri B. K. Aggarwal, Advocate)

O R D E R (ORAL)

Shri N. V. Krishnan, Act. Chairman —

This petitioner sent a letter in February, 1995 which was ordered by the Chairman to be registered as a contempt petition. The petitioner has referred to three items in that letter arising out of the judgment in his case, O.A. No. 870/1993.

2. On notice being issued, the respondent has filed his reply. The applicant has also filed a rejoinder thereto. We have heard the parties.

3. In the letter, the first item is that under item 11(b) the amount of Rs.262/- has been altered to Rs.95.80 without approval. The respondents have submitted their reply dated 16.11.1995 stating that a cheque for Rs.221/- was handed over to the petitioner in the court itself in final payment in compliance with the directions of the Tribunal. This amount includes Rs.55/- as interest for the period 21.12.1992

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to 30.9.1995. In regard to this, the petitioner has submitted that he does not agree that this is the final payment. If he is aggrieved about the amount paid, it is open to him to challenge it in a proper proceeding, if so advised.

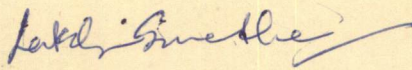
4. The second item in the letter relates to payment of dual allowance against item No. V(A) which has not been made. In the earlier reply dated 31.7.1995 of the respondents it was stated that the dual allowance for the period 1.4.1982 to 12.5.1982 for Rs.150/- has been passed and payment has been made through cheque. In this regard, the petitioner states that the dual allowance has been paid ^{in 1978} at the rate of Rs.180/- per month on a lower pay and now that he is drawing a higher pay, he is entitled to draw dual allowance at a higher rate. This again ^{was} ~~is~~ a matter to be decided by the respondents and if the petitioner is aggrieved, it is open to him to seek relief in accordance with law.

5. The third item in the letter is that payment against item No. VI has not been made. The respondents state that interest on delayed payment has been paid for a period of six months at the rate of 12% in accordance with para 920 (2) of the Indian Railway Establishment Code Volume-I and the petitioner has been informed about it by the letter dated 2.6.1995. The petitioner states that no payment against item No. VI has been made after the judgment of the Tribunal. In view of what the respondents have stated about the dues in this regard, we are of the view that if the applicant is aggrieved, it is open to him to raise this issue in appropriate proceedings, if so advised.

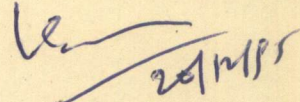
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6. We, therefore, hold that no contempt has been committed, Reserving the liberty to the petitioner to challenge the decisions taken by the respondents in separate proceedings, we drop these proceedings.



(Smt. Lakshmi Swaminathan)
Member (J)


20/11/85

(N. V. Krishnan)
Acting Chairman

/as/