

(Open Court)

Central Administrative Tribunal, Allahabad Bench, Allahabad

CCP No. 330/00049/2020 in O.A. No.330/00309/2020

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)**

**Hon'ble Mr. Anand Mathur, Member (A)**

This the 20<sup>th</sup> day of October, 2020.

Bhagwati Prasad aged about 61 years (Senior Citizen) son of late Pooni Ram, residence of Kanoongo Ka Pura, Ward No. 11, Town Area, Sirathu, Kaushambi.

Petitioner

By Advocate: Sri Pradeep Kumar Mishra

**Versus**

1. Shri Rajiv Chaudhary, General Manager, North Central Railway, Prayagraj.

2. Shri Amitabh, Divisional Railway Manager, North Central Railway, Prayagraj.

3. Shri Manish Kumar Kharey, Divisional Personnel Officer, North Central Railway, Prayagraj.

Respondents

By Advocate: xxxx

**ORDER**

**By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)**

This contempt petition has been filed by the petitioner for non-compliance of the order dated 29<sup>th</sup> July, 2020, passed by single bench of this Tribunal, whereby a direction was issued to the competent authority amongst the respondents, to decide the fresh representation of the applicant (petitioner in this CP), by a reasoned and speaking order, within a period of 2 months from the date of receipt of the fresh representation, along with a certified copy of this order.

2. We have heard learned counsel for petitioner and have perused the record.

3. The grievance of the petitioner is that although the respondents have decided the representation of the petitioner vide

order dated 10.9.2020, however, this order has not been passed by the competent authority.

4. In this respect, learned counsel for the petitioner has relied on Indian Railways Model Schedule of Powers 2018 (copy whereof has been annexed as Annexure No. CP-3 to the contempt petition).

5. We have carefully perused the above cited Schedule and item No. 45 of the aforesaid Schedule clearly shows that Divisional Officers, Extra Divisional Officers & Officers in Headquarters JAG Sr. Scale/ Jr. Scale, have full powers in respect of sanction of pension/service gratuity, retirement/death gratuity, commutation of pension and leave encashment to all the staff under their control. Thus the only ground taken by Id. Counsel for the petitioner that the order has been passed by an incompetent authority, is not tenable.

6. As in compliance of the order dated 29<sup>th</sup> July, 2020 passed by this Tribunal, the representation of the petitioner has been decided by the competent authority, by a well reasoned and speaking order within the time stipulated by the Tribunal, no case for contempt is made out.

7. Accordingly, the contempt petition is liable to be dismissed and is accordingly dismissed at the admission stage.

8. Hon'ble Mr. Anand Mathur, Member (Administrative) has consented to this order during Video Conferencing.

**(Anand Mathur)**  
**Member (A)**

**(Justice Vijay Lakshmi)**  
**Member (J)**

**HLS/-**