

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

**MISCELLANEOUS APPLICATION NO.170/00156/2020
IN
CONTEMPT PETITION NO.170/00012/2019
IN
ORIGINAL APPLICATION NO.170/00250/2017**

DATED THIS THE 28th DAY OF SEPTEMBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

K.L.Micheal
S/o late.K.P.Loganathan
Retired CTI
No.34, Rangappa Garden
1st Cross, Ejipura Main Road
Vivekanagar Post
Bangalore -560 047.

...Petitioner

(By Advocate Shri B.S.Venkatesh Kumar – through video conference)

Vs.

1. Shri R.K.Kulseshtra
The General Manager
Southern Railway
Head Quarters office
Park Town Post
Chennai-600 003.

2. Shri Sathyanarayana Hari
The Senior Divisional Commercial Manager
Commercial Branch
Southern Railway

Head Quarters office
Park Town Post
Chennai-600 003.

3. Shri D.W.Samuel
The Senior Divisional Personnel Officer
Southern Railway
Head Quarters office
Chennai-600 003.

4. Shri Sunil Kumar
Director E(W & D&A)
Railway Board
Raisina Road
New Delhi-110 001.

....Respondents

(By Advocate Shri N.Amaresh – through video conference)

ORDER (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Miscellaneous Application No.170/00156/2020 has been filed by the petitioner making therein a prayer to revive the Contempt Petition and to initiate the contempt proceedings against the respondents.

2. The record of the case reveals that the Original Application was allowed by this Tribunal vide order dated 10.10.2018. Aggrieved by the said order, the Union of India preferred Writ Petition No.981/2019 (S-CAT) before the Hon'ble High Court of Karnataka at Bangalore. The said Writ Petition was disposed of by the Hon'ble High Court vide order dated 20.08.2019. The order dated 10.10.2018 passed by this Tribunal was modified and the period of reduction in pension to the extent of 50% was reduced from 5 years to 3 years. Since the reduced period of 3 years was already over, therefore, the applicant herein (respondent in the

Writ Petition) was also held to be entitled to complete pensionary benefits by the Hon'ble High Court.

3. The respondents, however, failed to comply with the order dated 20.08.2019 passed by the Hon'ble High Court within the stipulated period of two months which led the applicant to file the present Miscellaneous Application for revival of the Contempt Petition.

4. Shri N. Amaresh, learned counsel representing the respondents, at the very outset, stated that during pendency of the present Miscellaneous Application, the respondents have now passed orders dated 24.09.2020 vide which the complete pensionary benefits amounting to Rs.98,858/- as well as a sum of Rs.4,24,548/- towards commuted value of pension have been released in favour of the applicant.

5. The aforestated fact with regard to issuance of order dated 24.09.2020 has not been disputed by Shri B.S. Venkatesh Kumar, learned counsel representing the applicant.

6. In view of the above, nothing survives in the present Miscellaneous Application and the same is disposed of having been rendered infructuous.

7. However, the applicant shall be at liberty to challenge the order dated 24.09.2020 by way of filing a fresh Original Application if he still remains dissatisfied with the same.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ps/

Annexures referred to by the applicant in MA No.170/00156/2020:

Annexure-MA1: Order dtd.20.08.2019 in WP.No.981/2019(S.CAT)
