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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(Dated Friday the sixth day of January, one thousand
nine hundred and eighty nine)

PRESENT

Hon 'ble Shri S.P. Mukerji - Vice Chairman

C.C.P. 94/88 and MP. 23/89
in O.A. 474/86

Shri Nanak Chand Jain .. Contempt Petitioner

Versus

Shri A.N. Wanchoo,
General Manager, Northern Railway,
Baroda House, New Delhi. .. Respondent

Counsel for the petitioner .. Shri B.S. Mainee

Counsel for respondent .. Shri O.N. Moolri

ORDER

Shri S.P. Mukerji, Vice Chairman

The Tribunal in its Judgment dated 11.12.87
in O.A. 474/86 had directed the respondent ie.,
General Manager, Northern Railway that the payment
of the gratuity and issue of passes ^{to the applicant} should be completed
within a period of one month from the date of commu-
nication of ^{that} ~~the~~ order. I am sorry to find that no
action was taken for compliance of this order as a
result of which the applicant who is a retired and
disabled employee was driven to file a ^{Contempt of Court Petition} ~~C.C.P.~~ in May,
1988. Notices were issued to the respondent and a
number of adjournments were given, but no action was
taken even at that stage to comply with the judgment.
On 28th November, 1988 the Tribunal was forced to issue

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an order for the personal appearance of the General Manager, Northern Railway. ^{for Contempt} Even then neither ^{the} appearance of the General Manager or his representative materialised nor was there any compliance of the order of the Tribunal. On the 2nd of January, 1989 when the learned counsel for the petitioner appeared but there was no appearance on behalf of the respondents, orders were issued by me for issue of a fresh ^{Contempt} notice to the General Manager to appear in person before me on 6.1.1989. On 3.1.1989 a petition was filed by the respondent indicating ^(more than a year after the judgment) that sanction order had been passed on 21.12.88 for payment and cheque was ^{signed} ~~issued~~ on 26.12.88 but since the concerned officer was sick, the matter could not be communicated to the Court or the counsel and none appeared before the Tribunal. ^{instead} ~~In spite~~ of expressing any regret over the delay and blatant indifference, the respondents went to the extent of alleging in the M.P. ^{that} the Tribunal's order was passed because of ^{some} ~~the~~ fraud committed by the applicant on the Tribunal.

2. I take strong exception to the manner in which the judgment of this Tribunal had been dealt with by the General Manager, Northern Railway. I would have taken further ^{proceedings} proceedings for personal appearance and prosecution of the General Manager for contempt of this Tribunal but I refrained from doing so to avoid a very

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embarrassing situation for the Railway Board. I direct that a copy of this order should be sent to the Railway Board for taking such action as ^{they} have deem fit for avoidance of such indifference on the part of the respondents. A copy of this order should also ^{be} send^d to the General Manager ^{N.R.} for his personal notice. A repetition of such a conduct on the part of the respondents will not in future be dealt with in such a liberal manner as I have done now.

3. I direct further that the respondents apart from payment of gratuity which they are doing by a cheque ^{to the applicant} should allow him 18% penal rate of interest with effect from 1.2.1988 till ^{the} date of payment. The interest should be paid and the pass for 1988, if not already issued, should be issued within one month from today. The respondents should also give the applicant the details of the deduction of Rs. 5362/- deducted from the applicant. The M.P. and the C.C.P are disposed of on the above lines and ^{the} notice on the C.C.P is withdrawn.


(S.P. Mukerji)
Vice Chairman

6.1.1989

Sn.