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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 12 th day of September 1996.

Contempt Petition No. 67 of 1996  
Original Application no. 1643 of 1993.

Hon'ble Dr. R.K. Saxena, J.M.  
Hon'ble Mr. S. Dayal, A.M.

Krishna Dutt Mishra, Retired Head T.T.E, Northern Railway  
Kanpur Central, S/o Late Pt. A.P. Mishra, R/o 104/434,  
Sisamau, 'P' Road, Kanpur.

... Petitioner.

C/A Sri R.S. Mishra.

Versus

- i. Sri V.K. Agarwal, General Manager, Northern Railway  
Baroda House, New Delhi.
- ii. Sri M.N. Chopra, Divisional Railway Manager, Northern  
Railway, Allahabad Division, Allahabad.

... Opposite Parties

C/R ....

ORDER

Hon'ble Dr. R.K. Saxena, Member-J.

This contempt petition has been filed by  
Sri Krishna Dutta Mishra against V.K. Agarwal, General  
Manager, Northern Railway and M.N. Chopra, Divisional  
Railway Manager, Northern Railway, on the ground that  
the compliance of the judgement in O.A. no. 1643 of 1993,  
Krishna Dutta Mishra Vs. Union of India and others decided

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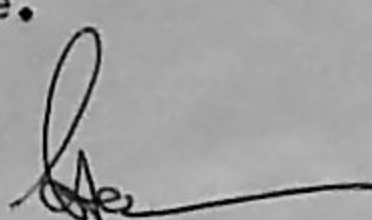
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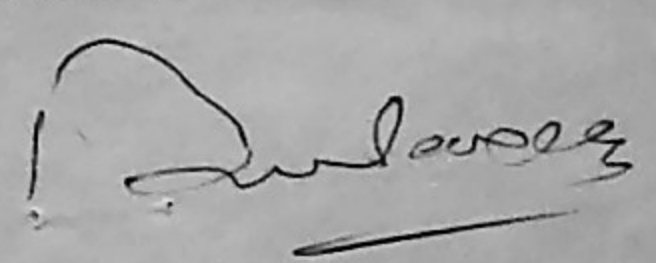


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on 03.01.96 has not been made. According to the direction which was given in the judgement, the applicant was required to give his options for fixing of pay on 01.01.84 and the opposite parties were required to fix the pay, thereafter, and settle the dues of pension. This decision was required to be taken within four months. Since the specific date from which the period was <sup>to</sup> started ~~was~~ <sup>work</sup> given, it shall be the date of judgement. It is contended by Sri R.S. Mishra, counsel for the applicant that option was given by the applicant vide annexure 5. He has also drawn our attention towards the letter of option which was sent to Divisional Railway Manager on 23.08.96 and has been brought on record through Misc. Appl. no. 1578 of 1996. By going through the contents of annexure 5, it is difficult to describe it as an option. Since the letter of option has been given only on 23.08.96, the period of compliance of four months shall be counted subsequent thereto. In view of this fact the contempt petition is premature and not maintainable.

  
Member -A

  
Member-J

/pc/