

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Contempt Application No. 73 of 1996

In

Original Application No. 591 of 1996

Allahabad this the 30th day of April 1997

Hon'ble Dr. R.K. Saxena, Judicial Member
Hon'ble Mr. D.S. Baweja, Admn. Member

Lalsa Prasad Lal S/o Sri Ram Ja-tan Lal aged about
60 years, R/o B/3/335/I, Shivala, Varanasi.

Applicant

By Advocate Sri Sanjay Kumar Om

Versus

1. Sri L.B. Rai S/o not Known, Senior Divisional
Personnel Officer, N.E. Railway, Varanasi.
2. Sri N.P. Pandey, S/o not known, working as
Senior Divisional Accounts Officer, N.E. Railway,
Varanasi.

Opp. Parties

By Advocate Sri D.C. Saxena

O R D E R

By Hon'ble Dr. R.K. Saxena, J.M.

This contempt petition has been filed by
the applicant- Lalsa Prasad Lal with the prayer that
the opposite parties be punished for contempt of the
Tribunal because they failed to comply with the dire-
ctions given by the Tribunal in the O.A.no.591 of
1996 Lalsa Prasad Lal Vs. Union of India and Others decided
on 27.5.1996.

2. It appears that this applicant had filed
an O.A. in which an interim order was passed on

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27.5.1996 in which the directions were given that the --pens--ion for the month of May, 1996 would be released. It further appears that the orders for release of -- pension-- in subsequent months were also passed. The case of the applicant is that this compliance has not been done. Therefore, contempt was committed.

2. The opposite parties filed counter-affidavit in which it was averred that the compliance of the directions given by the Tribunal was done. The opposite party no.1 stated in para 14 of the counter reply that as soon as the matter was brought to his knowledge, steps were taken and the instructions were issued to stop the recovery and also to refund the payment. The copy of the said letter annexure C.A.-1 has also been filed.

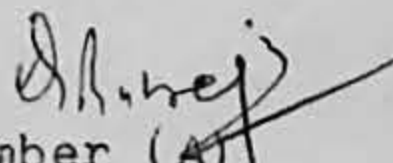
3. The opposite party no.2 also filed the counter-affidavit in which it was averred that the deduction of pension was stopped and the deducted amount was ordered to be refunded. The applicant did not file any rejoinder to controvert the facts as were given in the counter-affidavit.

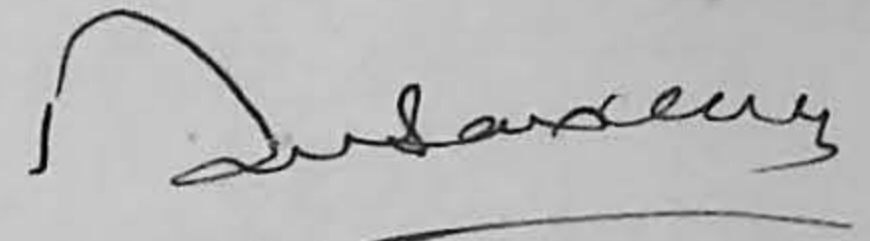
4. We have heard the learned counsel for the applicant-Sri Sanjay Kumar and Sri D.C. Saxena, Counsel for the opposite parties.

5. The applicant has come with the prayer that the opposite parties be punished because the compliance

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of the order dated 27/5/1996 has not been done. It has been denied by the opposite parties. The denial has been brought on record through counter-affidavits. In support of the averments made in the counter-affidavits, the copies of the orders passed, have been brought on record. Thus, it is clear that the compliance of the order was made and there was no ground to presume non-compliance of the directions. Thus, no case of contempt is made out. The contempt proceedings are dropped and the notices discharged.


Member (A)


Member (J)

/M.M./