

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 17th day of August 1998.

Contempt Application no. 106 of 1996
in
Original Application no. 354 of 1994.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. S.K. Agrawal, Judicial Member

S. D. Dubey, S/o Sri Shambhoochar Dubey, a/a 65 years,
r/o village and Post Office Bargo, Distt. Gorakhpur.

... Applicant.

C/A Shri B. Tiwari.

Versus

1. Sri Som Nath Pandey, The General Manager, N.E. Railway, Gorakhpur.
2. Sri R.C. Sharma, Divisional Railway Manager, N.E. Rly., Ashok Bagh, Lucknow.

... Respondents.

C/R Sri P. Mathur.

O R D E R

Hon'ble Mr. S. Dayal, Member-A.

This is an application under section 17 of the
Contempt of Court Act.

2. In this application the applicant seeks the punishment to the opposite parties for disobeying the judgment and order dated 23.05.96 passed by this Tribunal in O.A. 354 of 1994 in case of S.D. Dubey Vs. Union of

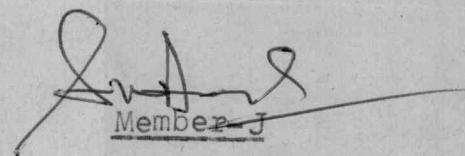
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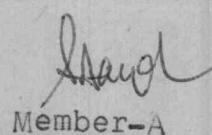
India and others and also withhold the salary of the opposite parties untill the judgment and order dated 23.05.96 is not complied with by them.

3. The direction given by the Tribunal in O.A. 354/94 in their order dated 23.05.96 was that the applicant was entitled to get the amount of D.C.R.G. with 10% interest from the date mentioned earlier.

4. The opposite party no. 1 has filed counter affidavit on 13.07.97 mentioning that the detailed counter affidavit was being filed by Shri R.C. Sharma, Divisional Railway Manager and the deponent adopted the content of the same. In affidavit of Shri R.C. Sharma opposite party no. 2 it is mentioned that the respondents in OA 354/94 had challenged the order of the Tribunal dated 23.05.96 in the apex court where it was heard on 25.03.97 and the special leave petition was dismissed. Thereafter, the process started for payment to the applicant and D.C.R.G. amounting to Rs. 33,000.00 and interest amounting to Rs. 29,543.00 were sent by registered post in the form of cheque dated 30.06.97 and the applicant was informed of the aforesaid payment by letter dated 08.07.97. We find that the opposite parties have complied with the order of this Tribunal in O.A. 354/94 and no case survives against the opposite parties for contempt. Notices issued are, therefore, discharged and the case stands consigned to records.



Member-J



Member-A

/pc/