

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD.

\*\*\*

C.C.A. NO. 112 of 1997

In

O.A. No. 956 of 1994.

this the 30-th day of March 2001.

Hon'ble Mr. S. Dayal, Member (A)

Hon'ble Mr. Rafiq Uddin, Member (J)

R.B. Pushkar & Others

...

Applicants.

By Advocate : Sri S.K. Misra.

Versus.

Sri M.N. Chopra, D.R.M., N. Rly., Lucknow.

Respondent.

By Advocate : Sri A.K. Gaur for Sri Govind Saran.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

This contempt petition has been filed for the alleged disobedience of the order dated 9.5.97 in O.A. no. 956 of 1994.

2. We have heard Sri S.K. Misra, counsel for the applicant and Sri A.K. Gaur proxy counsel for Sri Govind Saran, counsel for the respondent.

3. We find from the records of this contempt petition that initially the order dated 20.7.94 was passed by the Division Bench directing the respondents to consider the representation dated 31.7.93 addressed to the G.M., N.R. on merit and dispose of the same by a reasoned and speaking order within three months.

The respondents filed a Review petition, which was

allowed by order dated 20.9.96 in Review petition no. 108 of 1995 and the order dated 20.7.1994 was re-called. The O.A. was heard again and order was passed on 9.5.1997 giving directions to the respondents to consider and dispose of the representation dated 31.3.1993 stated to have been filed by the applicant to the General Manager, Northern Railway.

4. We find that the respondent has filed his ~~Short Counter reply~~ <sup>has</sup> in which he ~~filed~~ filed a copy of the letter dated 29.6.95 whereby the applicant was informed that his case had been re-examined by the competent authority and it was found that all the benefits as admissible under the Rules has been allowed and given to him. It is mentioned that the benefits in the grade of Rs. 456/-700/- <sup>w.e.f.</sup> and all the benefits ~~was~~ <sup>w.e.f.</sup> allowed w.e.f. 1.1.1984 and was also granted the scale of Rs. 1600-2660/- w.e.f. 2.2.1993. He was further promoted under re-structuring w.e.f. 1.3.1993 in the grade of Rs. 2000-3200/- and all the arrears have already been paid to him. He had retired from the railway service w.e.f. 30.6.1994 and was being paid the pension @ Rs. 2060/- per month.

5. The learned counsel for the applicant has raised two issues before us. First is that the representation was not decided by the G.M., but by <sup>the</sup> D.R.M. In this regard, we find that the directions issued vide order dated 9.5.97 were to the effect that the respondents should consider and dispose of the representation and there was no specific ~~mention~~ in the order that the G.M. <sup>should</sup> dispose of the representation of the applicant. The second issue raised by the learned counsel for the applicant is that the representation was decided before

9.5.1997. This ground also does not help to the applicant as in the array of the parties, the D.R.M. Lucknow, has been made a party, <sup>and</sup> ~~not~~ the General Manager, Northern Railway, so, the D.R.M. has <sup>rightly</sup> ~~been~~ answered the representation of the applicant. Under these circumstances, we find that no contempt has been committed by the respondents. The contempt petition is dismissed. Notice issued to the respondent is hereby discharged.

*Ratneshwar*

MEMBER (J)

GIRISH/

*lal*

MEMBER (A)