

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

Allahabad This The 13th Day of April 2000

Contempt Application No. 107/97
Original Application No. 1269/94

CORAM:

Hon'ble Mr. Rafiq Uddin, Judicial Member
Hon'ble Mr. S. Biswas, Administrative Member

Lal Gopal Srivastava Son Of Late Sri B.G. Srivastava
R/o C. Bagh Bariar Singh, Chetganj, Varanasi
retired as Asstt. Comml. Superintendent, Northern
Railway Varanasi where he was last posted

.....Applicant
(By Adv: Sri A.K. Sinha)

Vs.

1- Union Of India through/ Shri Subhash P. Mehra
General Manager, Northern Railway, Head Quarters
Office, Baroda House, New Delhi.
2- Sri M.C. Bhattacharya, Railway Manager, Northern
Railway, Hazaratganj, Lucknow.

....Respondents

(By Adv: Sri B.B. Paul)

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(By Hon'ble Mr. Rafiq Uddin, J.M.)

1- This contempt application has been filed by the applicant for alleged disobedience & non compliance of the order of this Tribunal passed in OA 1269/94, dated 26/5/97.

2- This Tribunal while allowing the OA 1269/94 passed an order which is extracted below:

"In any view of the matter the applicant is entitled to the benefit of rule 2423 A of Indian Railway Establishment Code Vol. 2. The respondents are, directed to correct and re-fix the superannuation pension and other retirement benefits of the applicant by adding 5 years of his qualifying service and pay difference on account of his re-fixation of pension and other pensionary benefits within the period of 3 months from the date of communication of this order. I am not inclined to grant any interest on account of fact that this claim was made nearly after three years of superannuation."

3- The applicant in his contempt petition has alleged that the copy of the order dated 26-5-97 was furnished to the respondents through Shri B.B. Paul counsel for the respondents and it was also sent through registered post to the respondents on 5-8-97. However, the respondents have failed to comply with the judgment and direction of the order of this Tribunal, therefore, the present contempt petition is filed.

4- The petition has been contested on behalf of the respondents and it has been stated vide paragraph 4 of their CA that in compliance of the order of the Tribunal, 5 years of qualifying service has been added in the total service of the applicant and his resettlement dues has been recalculated on the basis of qualifying service of the applicant i.e. 31 years and 6 months instead of 26 years and 6 months, the pensionary benefit of the applicant has also been revised accordingly. Detail

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there of has been mentioned in clause (a) (b) (c) & (d) of paragraph 4 of the C.A.

5- It is also explained that the department has no knowledge of the order in question prior to receipt of this contempt petition. Therefore, directions were issued to implement the order immediately.

6- The respondents have also stated that the tender unconditional apology, in case it is found that the order in question has been disobeyed or any delay has been caused in the implementation thereof.

7- Applicant in his R.A. has denied having received revised P.P.O. as mentioned in para 4 of the C.A. However, it is admitted that payment of a fractional and small amount of Rs. 3,250/- has been made by a cheque No. E 989010 which was received on 30-4-98. Applicant has further admitted that he has received Rs. 10,293/- on 28-7-99 being the difference in commutation of pension. Besides, the applicant has stated clearly in Annexure A3 to SRA, that he has also received difference of DCRG and commutation amount of pension.

We have heard Shri A.K. Sinha for the applicant and Shri B.B. Paul for the respondents and perused the record.

It is evident from Annexure A7 that only dispute mentioned by the applicant is the difference in Calculation in revised amount of pension in view of the 5th Pay Commission, merger and refixing of policy is yet to be calculated and paid to the applicant. We, however, find that there is no direction issued by the Tribunal for payment of any arrears on account of merger and refixation of policy on account of 5th Pay Commission. Learned counsel for the applicant also emphasised that no revised P.P.O has been issued by the respondents as mentioned in the C.A. We, however,

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find that the copy of letter dated 27-1-99, copy of which has been annexed as annexure 1 to the S.C.A., has been issued by the respondents, which is addressed to the Manager State Bank of India, Varanasi, in which details of revised pension and family pension have been mentioned in respect of the applicant. In our considered opinion this letter amounts to the revised P.P. D. of the applicant. We, therefore, find that the respondents have complied with the order of this Tribunal.

to observe

We are, however, constrained ~~absence~~ that respondents have not implemented the judgment expeditiously. We, therefore, consider it necessary ~~to be~~ to warn the respondents to comply the order without delay in order to avoid harassment of the petitioner who are forced ~~to approach the tribunal~~

The cases of retired employee should be given priority with these observations, we drop the contempt proceedings ~~are~~ and discharged notices.

S.R. D of Juddh
A.M. J.M.

A.A/