

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 19th day August, 1999

Contempt petition No. 64 of 1998

In

Original Application No. 580 of 1996

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. SKI Naqvi, J.M.

Ram Bachan S/o Nithali  
R/o Gadran,  
Post Nagsar Distt. Ghazipur.

(Sri SK Dey/Sri SK Mishra, Advocates)

. . . . . Applicant

Versus

Sri MK Agrawal,  
D.R.M. Eastern Railway,  
Mughal Sarai,  
District Varanasi.

(Sri Prashant Mathur, Advocate)

. . . . . Respondent

ORDER (O\_r\_a\_l)

By Hon'ble Mr. S. Dayal, A.M.

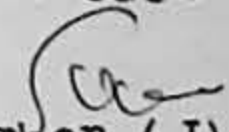
This contempt petition was filed with a prayer to draw contempt proceedings against the Opp. Party for deliberately disobeying the order dated 11-8-1997 in OA No. 580 of 1996.

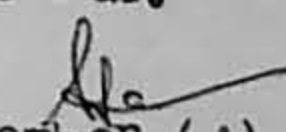
2. In the above OA a direction was given to the Opp. Party to reconstruct the leave account after taking into account the leave due to the applicant for the period from 31-12-77 and thereafter calculate whether the applicant is entitled to any further leave encashment in addition to what has already been granted to him. This exercise preferably be done associating the applicant who should also produce before the respondents whatever documents are available with him as regards the leave due to him. In case it is

found that more than 35 days' leave was due to the applicant at the time of his retirement he should be given encashment of the same within four weeks from completion of the exercise.

3. The Opp. Party has filed a counter reply in which it has been mentioned that the Opp. Party has issued letter dated 3-11-1997 to the applicant for restructuring leave account from 15-5-1961 but the applicant failed to furnish any particulars. The Opp. Party also mentioned that leave record of the applicant has been traced out and leave account has been prepared by the Railway Administration according to which the applicant was entitled to payment of further 120 days. For 120 days payment has been made to the applicant vide C.O. 7 No. 100070 dated 09-10-1998 to the tune of Rs. 15,860/-. The Opp. Party has annexed a photocopy of the payment made to the applicant and reiterated that after reconstruction 120 days of earned leave was standing in the credit of the applicant.

4. Learned counsel for the applicant contests this position and mentions that addition of leave to the credit of the applicant from 15-5-1961 to 31-12-1977 should have resulted in a balance of 240 days and not 120 days. Since the Opp. Party has mentioned that the leave account has been restructured after taking the period which was earlier in the account and the account of leave standing to the credit of the applicant after reconstruction of leave has been encashed, we find that no deliberate disobedience of the order of the Tribunal in the OA is made out. We, therefore, discharge notices in this case and consign the case to records.

  
Member (J)

  
Member (A)

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