

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Civil Contempt Application No.09 of 1998

In

Original Application No.140 of 1993

Allahabad this the 22nd day of May, 2000

Hon'ble Mr.S.K.I. Naqvi, Jud.Member  
Hon'ble Mr.S. Biswas, Admn.Member

Ram Yad Ram S/o Shri Managar Ram, R/o C-757,  
Kareli, G.T. Nagar, Allahabad.

Petitioner/Applicant

By Advocate Shri K.S. Saxena

Versus

Shri M.N. Chopra, Divisional Railway Manager,  
Northern Railway, Allahabad.

Opp.Party/Respondent

By Advocate Shri A.V.Srivastava

ORDER ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member(J)

In O.A.No. 140 of 1993, this Tribunal  
was pleased to direct the respondents to make pay-  
ment of terminal benefits as well as pension on the  
basis of the pay to be fixed notionally on the basis

of such promotion to the grade of C.I.T. retrospectively w@.e.f. 01.1.1984. For non-compliance of this Court's direction, the applicant preferred to ~~have~~ approach the Tribunal on contempt side.

2. After due exchange of pleadings, the petitioner/applicant has filed supplementary affidavit mentioning therein that the respondents have already complied with the Court order in respect of payment of terminal benefits on the basis of notional promotion of the petitioner and the pay so revised, except in the case of leave encashment.

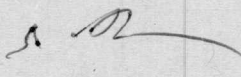
3. Heard, the learned counsel for the rival contesting parties and perused the record.

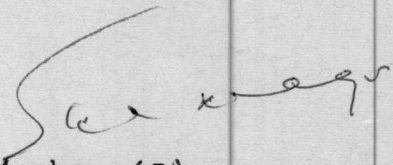
4. In the referred O.A., the Tribunal passed the order in respect of terminal benefits only and we <sup>are</sup> afraid that in view of definition of terminal benefits as <sup>incorporated</sup> ~~interpreted~~ in Sub Rule 24 of Railway Servants (Pension Rules), 1993, leave encashment benefits is not covered therein and



therefore, we cannot ~~run~~<sup>run</sup> down the respondents under this contempt petition for any dispute in respect of fixation and payment of leave encashment.

5. For the above, we find that nothing is left for compliance in the light of direction in the connected O.A. and, therefore, the notice issued earlier, ~~ere-e-~~is discharged. Before parting with the matter, we find in the fitness of circumstances that when the petitioner/applicant makes a representation before the respondents in respect of payment of leave encashment on the basis of notionally fixed pay, the same may be considered favourably, ~~as~~<sup>if</sup> possible under rules.

  
Member (A)

  
Member (J)

/M.M./