

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 09th day of January, 2002.

Q U O R U M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Civil Contempt Application No. 147 of 2001.

IN

Original Application No. 1499 of 2000.

Bhullan Ram S/o Late Mohan Ram
R/o Village- Lekhamipur, P.O. Jalapur
Distt. Jaunpur.

.....Applicant

Counsel for the applicant :- Sri M.P. Sarraf

V E R S U S

Mathew John, Divisional Railway Manager,
Northern Railway, Nawab Yusuf Road, Allahabad.

.....Respondent

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application, applicant has prayed that the respondent may be punished for wilfully disobeying the order of this Tribunal passed on 12.01.2001 in O.A No. 1499/00. The direction given by this Tribunal was as under :-

" We find that barring a notice by the learned counsel dated 11.09.00, the applicant himself has not directly approached the respondents staking his claim for retiral dues. He has given time of a month to do so and the respondents are directed to

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decide his representation for retiral dues within a period of three months, thereafter. The O.A is disposed of with the above direction."

2. In pursuance of the order of this Tribunal, applicant filed representation dated 08.02.2001. In this representation, applicant claimed several amounts including pay from 09.10.1995 to 25.07.1996, P.F, Pension and Gratuity etc. The respondents, however, passed the order dt. 29.05.2001 asking the applicant to submit the claim for payment of P.F and Group Insurance. A copy of order has been filed as annexure -9 to the CA. Respondent has filed an application together with S.C.A wherein a copy of order dt. 22.11.2001 has been enclosed by which applicant has been asked to collect the cheque of Rs. 23,495/- with regard to P.F. In the circumstances, the representation of the applicant has been decided by the respondents. Further, in the same order dated 29.05.2001, it has been stated that as the applicant was dismissed from service w.e.f 13.11.87 under D.A.R Rules dated 13.11.1987, he is not entitled for other retiral benefits. In the circumstances, in our opinion, it is difficult to say that the respondent has committed any contempt. While deciding the representation, it was opened to the respondent to accept part of the applicant and reject the remaining. If the applicant is dis-satisfied with the order, he may file a fresh O.A or may file an appeal against the order of dismissal as he is so advised by his counsel, but so far as the contempt^{is concerned}, it is not made out. Learned counsel for the applicant, however, submitted that copy of order dt. 13.11.1987 has never been served on the applicant. without entering in to correctness of the statement of the applicant, in our opinion, respondents may furnish

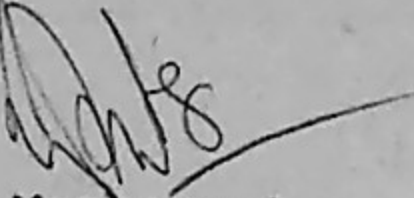
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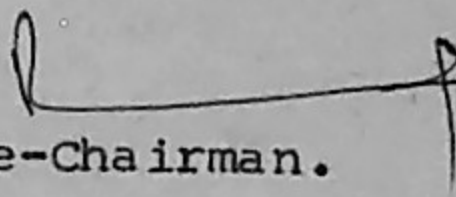
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a copy of the order, if applicant makes application. Learned counsel for respondents under-take^u that copy shall be supplied immediately, if requested by the applicant.

3. Subject to aforesaid, the contempt application is dismissed. Notices are discharged.

4. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/