

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 23rd day of August 2002.

Contempt Application no. 199 of 2001  
in  
Original Application no. 1358 of 1993.

Hon'ble Maj Gen K K Srivastava, Member (A)  
Hon'ble Mr A K Bhatnagar, Member (J)

Jai Ram Singh, Ex-Driver (Grade 'A' Special),  
S/o late Sri Jailal Singh,  
R/o House No. 17, Mahant Building,  
Loco Bazar, Laskar, Haridwar.

... Applicant

By Adv : Sri K K Mishra

Versus

S M Bhardwaj, Divisional Railway Manager,  
N Rly., Moradabad.

... Respondent

By Adv : Sri P Mathur

O R D E R

Hon'ble Maj Gen K K Srivastava, Member (A).

This contempt application has been filed under section 17 of the A.T. Act, 1985, with the prayer to punish the respondent for wilfully disobeying the order of this Tribunal.

2. Heard Sri K K Mishra, learned counsel for the applicant and Sri P Mathur for the respondents.

3. The following orders <sup>in</sup> <sup>in</sup> was passed by this Tribunal on 9.11.2000 (Ann A1) which reads as under :-

"For the above, it is provided that incase the applicant moves a fresh representation within four weeks from the date of this order narrating therein his claim and the rules in this regard, the competent authority in the respondents establishment shall decide the same by way of detailed, reasoned and speaking order within a period of 8 weeks thereafter and incase the applicant is found entitled to any further payment

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the same be paid within 2 weeks thereafter, with interest at the rate of 10% from the date, when amount fell due to payment and the date of actual payment. The O.A. is disposed of accordingly."

4. According to the above order the direction was given to the respondent to decide the representation by detailed, reasoned and speaking order and in-case it is found that the applicant is entitled to any arrear the same be paid with interest @ 10% from the date when amount fell due for payment and the date of actual payment.

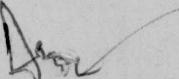
5. Sri P Mathur, learned counsel for the respondent invited our attention to para 6 of the CA and submitted that the representation of the applicant has been decided by a detailed and speaking order vide order dated 1.2.2001 (Ann CA1). He also submitted that the payment of the arrears were sent to Director of Account Postal, Lucknow much before by registered letter no. 4387 dated 8.3.2000. Sri P Mathur further submitted that after the decision of Hon'ble Supreme Court that running allowance has to be computed for all purposes the respondents made the payment of arrears of Rs. 1290.50 p. through PPO no. 08814661 dated 8.3.2000. Learned counsel for the respondents submitted that the order of this Tribunal has been complied with and no case of contempt is made out.

6. Sri K K Mishra, learned counsel for the applicant submitted that the amount of Rs. 1290.50 p sent during February 1991 has been received by the applicant. However, the previous arrears which are purported to have been sent by the respondents on 8.3.2000 by registered letter no. 4387 through DAP Lucknow have still not been paid. It is responsibility of the respondents to have ensured that the said payment has not been effected especially when the applicant agitated for non payment.

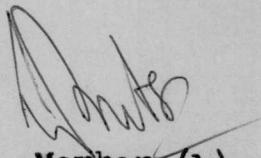
1. In our opinion, it was incumbent upon the respondents, being an ideal employer, to have ~~shorted~~ out the issue in regard to the non-payment by addressing the Director of Accounts (Postal) Lucknow which they have not. It appears that the amount due to the applicant is lying with DAP and since the Post Office from where the applicant is drawing his pension has not been directed by DAP, Lucknow the same remains unpaid to him. At this juncture Sri P Mathur gave the undertaking that in case this amount has not been paid to the applicant the respondent will issue a duplicate payment order. The entire issue is to be decided within 2 months from the date this order is filed before respondents.

8. With the above direction this contempt application is disposed of and the notices discharged. However, the applicant is given liberty to approach in case the action remains to be uncomplied with.

9. There shall be no order as to costs.



Member (J)



Member (A)

/pc/