

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Misc. Contempt Petition No. 41 of 2001

In

Original Application No. 195 of 1998

Allahabad this the 11th day of Oct 2002

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

Rafi Uddin, aged about 78 years, S/o Late Shri Minhaz-
uddin, R/o 126/66-E, Ram Nagar, Nai Basti, Maini,
Allahabad.

Applicant

By Advocate Shri Rakesh Verma

Versus

Shri K.K. Pandey, The Divisional Railway Manager,
Northern Railway, Lucknow.

Respondent

By Advocate Shri A.K. Gaur

ORDER (Oral)

By Hon'ble Mr. A.K. Bhatnagar, Member (J)

This contempt petition has been filed
under Section 17 of the Administrative Tribunals
Act, 1985 to punish the respondent for wilfully
disobeying the order of this Tribunal dated 27.6.00
passed in O.A.No.195 of 1998 Rafi Uddin Vs. Union of
India and Others. The following order was passed:

"Considering the foregoing, this court orders
that a payment of 11% interest is made to the
incumbent from 25.07.97 till 02.11.99 which is

...pg.2/-

AW

reasonable "and not excessive". For payment of leave encashment benefits the respondents should immediately entertain their representation and decide it on merits.

The O.A. is disposed of with the above directions. No cost."

2. Learned counsel for the applicant has submitted that the applicant had effected the service of the aforesaid Judgment upon the respondent no.1 vide letter dated 04.08.2000, which was received by the respondent no.1 on 11.08.2000, but till today the order has not been fully complied with. It is stated that the respondents have paid the meagre amount of Rs.685/- towards interest on wrong and frivolous calculation, as the applicant is entitled to be paid interest at the rate of 11%, as awarded by this Hon'ble Tribunal, on the amount of Rs.1,44,232. The applicant has also filed a correct statement of calculation as annexure-1 to his supplementary affidavit. It is further stated that the benefit arising out of the order of the Hon'ble Apex Court has not been fully granted, and the respondents are trying to mislead this Hon'ble Court. Therefore, the applicant has prayed for punishment to respondent no.1 for committing contempt of court.

3. The respondent ^{no.1} has filed counter affidavit, affidavit of compliance and also the supplementary counter-affidavit, made by the applicant, denying the allegations. The respondent no.1 has averred in the counter-affidavits that the full compliance has been made of the order of this Hon'ble Tribunal. It is averred that all


as
the payments directed by this Hon'ble Tribunal following the Hon'ble Supreme Court's order, have been paid to the applicant. The representation with regard to payment of leave encashment, has already been decided on merits. The respondents have also prepared a chart, in which it shows that all the payments due to the applicant have been paid. The respondent no. 1 ^{has} prayed for dismissal of the contempt petition and for discharge of the notice issued to him.

4. We have heard the learned counsel for the parties and perused the record.

5. The main argument of the learned counsel for the applicant is that the respondents have not granted the benefit to the applicant arising out of the order of the Hon'ble Apex Court. On the other hand the respondents have clearly mentioned in ~~his~~ counter-affidavit that the payments as directed by this Hon'ble Tribunal following the Hon'ble Supreme Court's order, have been paid to the applicant. We are also satisfied that the directions given by this Tribunal, have been complied with.

6. From the above facts and circumstances, no case of contempt is made out. The contempt proceedings ^{are} dropped and notice is discharged.


Member (J)


Member (A)