

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 23rd day of January 2002.

Contempt Application no. 125 of 2001

in

Original Application no. 497 of 1995.

Hon'ble Mr. Justice R.R.K. Trivedi, VC

Hon'ble Maj Gen KK Srivastava, AM

Bishwambhar Nath Mishra, S/o Sri R Mishra,
R/o Bichpari, Aziapur Ajgain Unnao (UP).

... Applicant

By Adv : Sri AK Dave

Versus

Rajiv Bhargava, Divisional Railway Manager,
Central Railway, Jhansi.

... Respondents

By Adv : Sri A.K. Gaur

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, VC.

By this contempt application filed under section 17 of the AT Act, 1985 the applicant has prayed that the respondents be punished for wilful disobedience of this Tribunal's order dated 9.11.2000 passed in OA 497/95. The direction of this Tribunal was as under :-

"The applicant has since attained the age of superannuation. In normal course, the matter could have been remanded to the appellate authority to consider the question of quantum of punishment and pass order afresh, but in the present case

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where ends of justice would be met if the punishment is changed to compulsory retirement with pensionary benefits in place of removal. We, therefore, direct the respondents to treat the applicant as having retired compulsory and grant him pensionary benefits from the date of removal. The respondents are further directed to comply with this order within a period of four months."

2. The aforesaid order of this Tribunal was challenged before Hon'ble High Court by filing WP no. 6926/01. The WP after hearing parties was dismissed on 26.2.01. Thereafter, ^{against} the order of the Tribunal and Hon'ble High Court ~~an~~ SLP no. 12282/01 was filed which was dismissed on 6.8.01. As the order was being challenged before Hon'ble High Court and Hon'ble Supreme Court, its implementation could take place only after 6.8.01 when the SLP was dismissed. The Hon'ble Supreme Court has observed in Civil Appeal no. 535/01 Suresh Chandra Poddar Vs. Dhani Ram & Ors that the order of the Tribunal if challenged in High Court or in Supreme Court, the Tribunal shouls proceed slow in directing the respondents to implement the order.

3. The direction of the Tribunal was to implement the order within 4 months. The order has been passed on 7.9.01, (Ann CA 1 and 2). It is difficult to say that the order has not been complied with. Sri Dave, however, submitted that the applicant has ^{Inquired} ~~ensured~~ from the bank on 12.1.01 and he was informed that no papers has been received. Sri Gaur has placed before us the letter dated 19.1.2002 issued by Central Bank of India that packet containing pension papers of the applicant has been received by the Bank. Copy of the letter shall be kept

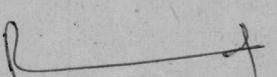
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on record. Thus the applicant may now approach the Bank and receive the amount which is available to him under order of this Tribunal.

4. Contempt application is accordingly disposed of. Notices issued are discharged. No order as to costs.



Member-A



Vice-Chairman

/pc/