

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Misc. Contempt Application No. 216 of 2001

In

Original Application No. 19 of 1995

Allahabad this the 08th day of April 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. C.S. Chadha, Member (A)

Shiva Kant Mishra, Son of Late Maharaj Kishore Mishra, R/o 19-A/19, Teliar ganj (Shankar Ghat), Allahabad.

Applicant

By Advocate Shri P.C. Shukla

Versus

1. Sri Mathew John, Divisional Railway Manager, Northern Railway, Allahabad Division, Allahabad.
2. Sri Susheel Kumar Luthra, Additional Divisional Railway Manager, Northern Railway, Allahabad Region, Allahabad.
3. Sri Rajiv Kishore, Senior Divisional Personnel Officer, Northern Railway, Allahabad Division, Allahabad.
4. Sri Devendra Pratap Lal, Divisional Superintending Engineer, IIIrd Northern Railway, Allahabad Region, Allahabad.

Opp. Parties

By Advocate Shri Prashant Mathur

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O_R_D_E_R (Oral)

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

By this application the applicant has prayed to punish the respondents for non compliance of the order of this Tribunal dated 02.08.01 passed in O.A.No.19 of 1995. The operative part of the order is as under;

"For the reasons stated above, this O.A. is partly allowed. The order dt.30/06/1994 passed by disciplinary authority and order dated 21.11.94 passed by appellate authority are quashed to the extent they relate to charge No.1. For the charge No.2, orders shall be maintained, however, punishment of compulsory retirement awarded to the applicant is quashed and substituted by depriving him 50% of wages for the period 30.06.1994 up to the date of re-instatement. Applicant shall be re-instated within a period of one month from the date of communication of this order. If any amount has been paid to the applicant during this period in pursuance of the impugned order, it shall be given adjustment. The amount due to the applicant shall be paid to the applicant within four months,"

2. Thus, under the aforesaid order, the applicant was entitled to receive the amount payable within four months. The applicant's case is that the amount relating to 50% of wages has not been paid to the applicant, though he has been reinstated. Shri P. Mathur has submitted that the order has been substantially complied with as the applicant has been reinstated. It is also stated that as review application no. _____ has been filed, the amount has not been paid. We do not

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find any justification on the part of the respondents why they withheld the amount on the ground that the review application has been filed. No interim order has been passed on the review application. We have also been informed that the applicant is going to ~~attain~~ ^{attain} the age of superannuation in the month of May, 2002 and there appear no justification to keep him deprived of the benefit of the order for such a long time. Shri P. Mathur then has submitted that the respondents may be granted one month time to pay the whole amount which may be due to the applicant under the order of this Tribunal.

3. Considering the facts and circumstances, we dispose of this contempt application in the light of the statement of counsel for the respondents and grant 3 weeks time to pay the whole amount due to the applicant. Notices are discharged. No order as to costs. Copy of this order shall be given within 24 hours to both the sides.


Member (A)

/M.M./


Vice Chairman