

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH:ALLAHABAD.

Civil Misc. Contempt Application No.58 of 2004.

In
Original Application No.299 of 1999.

Allahabad this the 28th day of September 2004.

Hon'ble Mr. A.K. Bhatnagar, J.M.
Hon'ble Mr. D.R. Tiwari, A.M.

Kailash Pati Singh aged about 64
son of Late Dev Charan Singh
Resident of Village and Post Kureji
District Ballia.

.....Applicant.

(By Advocate : Sri R.K. Srivastava)

Versus.

Sri Shyamal Kanti Chakraborty
Senior Divisional Commercial Manager
Eastern Railway, Asansol

.....Respondents.

(By Advocate : Shri K.P. Singh)

O R D E R

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

This contempt petition has been filed for punishing
wilful disobedience & for
the respondents for/non compliance of the order dated
30.01.2003 passed in O.A. No.299 of 1999 by which the
following directions were given:-

"This O.A. can be disposed off finally by giving
a direction to both the sides to help each other
in concluding the inquiry within a period of 4
months from the date of receipt of a copy of this
order. The respondents should give clear notice
about the hearing to the applicant who is directed

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S/-

to appear on the dates so fixed by the inquiry officer and respondents to pass final order on the inquiry within four months from the date of receipt of a copy of this order. If the inquiry is decided in favour of the applicant, the respondents are also directed to release amounts due to him within a period of 8 weeks thereafter. Since this case is pending since 1998, lot of time has already lapsed due to the pendency of this O.A., therefore, it is expected that atleast now the inquiry shall be completed within the stipulated period. Since the applicant has already been charge-sheeted, correctness of the same cannot be looked into by me at this stage as this is not permissible, therefore, no other interference is called for in the matter at this stage. However, if applicant is aggrieved by the final order passed by the respondents, he would be at liberty to challenge the same by filing appropriate proceedings. With the above directions, the O.A. stands disposed off. No order as to costs."

2. Learned counsel for the respondents filed counter Affidavit after serving a copy of the same on the applicant's counsel in court today, which is taken on record. He invited our attention on para-6 to 10 of the counter and submitted that inquiry has been finalised on 08.05.2003 and the disciplinary authority also sent the inquiry report to the applicant by registered post on 09.05.2003 followed by reminder dated 17.06.2003. He further submitted that a cheque amounting to Rs.1,20,881/- has already been handed over to the applicant on 14.05.2004 at his residence (Annexure-I of CA). We have gone through the counter as well as the directions given by this Tribunal on 30.01.2003 passed in O.A.299/1999 and we find that the order has already been complied with. Accordingly, the Contempt Petition is rejected. Notice issued to the respondent is discharged. If the applicant is still aggrieved,

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he may come on the original side.

Dhulan
Member (A)

W
Member (J)

shuk la/-