

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Civil Misc. Contempt Petition No.32 of 2005.

In

Original Application No.99 of 2004.

Allahabad, this the 11th day of January, 2007.

corrected on
22.11.07
Meehan
22.11.07

Hon'ble Mr.K. Elango, J.M
Hon'ble Mr. P.K. Chatterji, A.M.

Uma Shankar Mishra,
S/o Late Ram Raj Mishra,
Resident of Village Alawalpur,
Chak Farid,
Post Mohari Via Urua Bazar,
District - Gorakhpur.Applicant.

(Shri U.S. Mishra, applicant in person)
Versus

Shri D.K. Gupta,
Divisional Finance Manager,
N.R. Railway, Katihar (Bihar) ...Respondents.

(By Advocate :Shri K.P. Singh)

O R D E R

By Hon'ble Mr. P.K. Chatterji, A.M.

The contempt petition No.32/05 in OA
No.99/04 was filed by the applicant for non-

Meehan

compliance of the order passed by the Tribunal dated 3.12.2004 in O.A No.99/04. The direction of the Tribunal as follows :-

"Keeping in view the above facts and circumstances of the case, the respondent - Railway Authorities are directed to make the payment of all retiral dues i.e. pension as well as dearness relief granted by the Government from time to time to the applicant at the earliest and in any case within a period of two months from the date of communication of this order alongwith interest at the rate of 10 (ten) percent per annum from the date it was due to the applicant to the date of actual payment."

2. On 30.11.2006, the applicant had informed the Tribunal that inspite of the order of the Tribunal dated 3.12.2004 he was being paid an amount of Rs.66/- per month as pension which is much lower than his normal entitlement. The Tribunal on hearing this considered it necessary to call for relevant records. It directed that Divisional Finance Manager should prepare a statement for perusal of the Tribunal regarding the amount paid to the applicant as pension.

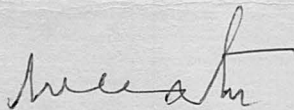
3. The learned counsel for the respondents drew our attention to the statement dated 10.5.2005 of the State Bank of India. In the Statement, it has been stated by the Bank that they had already paid the difference of pension as directed by the respondents vide their letter dated 10.3.2005. It was also intimated that the Bank was paying the admissible amount of pension to Sri Uma Shanker Mishra, the applicant.

4. During the argument, in the case learned counsel for the respondents also presented a statement of the amount paid to the applicant by

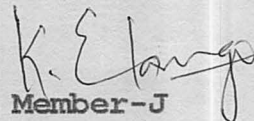
meera

the Bank, which was submitted by the State Bank of India. Learned counsel also stated that the applicant was unable to appreciate that his entitlement could not be more than what he was being given for the reasons that he had retired long ago at an old pay scale and therefore, the pension cannot be compared with the retirees as of now from the equivalent post.

5. We are of the view that the respondents have complied with the direction of the Tribunal and therefore, there is no willful disobedience. Therefore, the contempt petition is dismissed and notice issued to the respondent is discharged.



Member-A



Member-J

RKM/-