

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

CIVIL CONTEMPT APPLICATION NO.37 of 2005.
IN

ORIGINAL APPLICATION NUMBER 1244 OF 2000

ALLAHABAD, THIS THE 25th DAY OF OCTOBER, 2005

HON'BLE MR. A.K. BHATNAGAR, MEMBER-J
HON'BLE MR. D.R. TIWARI, MEMBER (A)

Rama Shanker Yadav son of Sri Swami Nath Yadav, Resident of
Village and Post Panika Baar, District Deoria.

..... Applicant

(By advocates : Shri A.S. Rai/Sri V.R. Rai)

V E R S U S

1. Mr. Naveen Tandon, Divisional Railway Manager,
North Eastern Railway, Divisional Office, Varanasi.
2. . Mr. Anil Kumar Singh, Divisional Mechanical Engineer,
Office of Divisional Railway Manager, North Eastern
Railway, Varanasi.

Mr. Anees Ahmad, Section Engineer (Mechanical) MAU
Railway Station, North Eastern Railway, Mau Junction,
MAU.

..... Respondents

(By Advocate : Shri Anil Kumar)

O R D E R

By Hon'ble MR. A.K. BHATNAGAR, MEMBER-J

This contempt application has been filed for punishing
the respondents for willfully disobeying the order dated
2.9.2004 passed in O.A. No.1244 of 2000 by which the
following direction was given:-

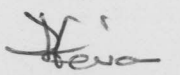
*"In the circumstances, therefore, the O.A. is disposed
of with a direction to the respondents that further
recovery from the salary of applicant of penal rent of
quarter No.1/25-B, type-II shall not be made except on
the basis of an order in that regard to be passed after
affording an opportunity of showing cause to the
applicant. Decision in this regard shall be taken
within a period of four months from the date of receipt*

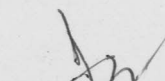
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of a copy of the order. It is made clear that in case applicant is held not liable for payment of any penal rent, the amount recovered from him by way of penal rent shall be re-funded forthwith after deducting usual rent payable for the quarter if the same has already not been recovered from his salary".

2. Learned counsel for the respondents filed counter affidavit in this case on 07.10.2005, however, the same is not found available on record. Registry to trace and place the same on record. The receipt of copy of the counter affidavit has been placed before us for our perusal with submission that the order passed by Tribunal in O.A. No.1244/00 has been complied with. Learned counsel for the respondents invited our attention on para 2 of the counter affidavit and submitted that compliance of the order has been made. He has also brought our attention on Annexures C.A-1, C.A-2 & C.A-3 in which it has been specifically stated that there is no recovery for Railway Quarter No. L/25-B, Type-II at Mau. Moreover, the action whatsoever has been taken as per direction of the Tribunal by issuing show cause notice to the applicant, therefore, the compliance of the above order has already been made by the Department.

3. After hearing counsel for the parties, we find that no case of contempt is now survived, therefore, the contempt application is dismissed. Notices issued are hereby discharged.


Member-A.


Member-J

Manish/-