

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

ALLAHABAD this the 25<sup>th</sup> day of **September, 2007.**

**HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN  
HON'BLE MR. K.S. MENON, MEMBER- A.**

**CIVIL CONTEMPT PETITION NO. 134 OF 2005**

**IN**

**ORIGINAL APPLICATION NO. 1216 OF 2001**

Ram Bachan Singh, S/o Sri Munni singh,  
R/o at present Plot No. 88, Triveni Nagar,  
Naini, Allahabad.

.....Applicant.

**VE R S U S**

Col. Rajvir Singh, Commandant,  
C.O.D, Chheoki, Allahabad.

.....Respondents

Present for the Applicant:

Sri R.K. Srivastava

Present for the Respondents :

Sri A. Mohiley

**ORDER**

**BY HON'BLE MR. JUSTICE KHEM KARAN, VC.**

The applicant has filed the present contempt petition for non-compliance of the judgment and order dated 20.04.2005 passed by this Tribunal in O.A No. 1216/01.

2. This Tribunal vide its order dated 20.04.2005 disposed of O.A No. 1216/2001 with following direction: -

“ Under the above circumstances, the O.A succeeds and is allowed. The respondents are directed

to treat the applicant as having superannuated on completion of 60 years of service taking in to account his date of birth as 01.11.1943. In other words, the applicant is deemed to have retired only w.e.f. 01.11.2003. He is entitled to notional pay fixation for the period of from 01.11.2001 to 31.10.2003 and his pension and other terminal benefits would be re-calculated with the revised pay as on 31.10.2003 (Average 10 months pay before the date of retirement). The arrears on account of such re-calculation shall be paid to the applicant within a period of four months from the date of communication of this order."

3. Respondent has clearly stated in para 4 of the Suppl. Reply that the payments have already been made in terms of the order dated 20.04.2005 after notionally fixing his pay as on 31.10.2003 and after recalculating the retiral benefits. Learned counsel for the applicant says that the applicant is also entitled to salary for the period from 01.11.2001 to 31.10.2003 as according to the Tribunal, applicant was wrongly retired on 01.11.2001. Learned counsel has tried to say that according to the order of the Tribunal, the respondents were treated the applicant retired only on 01.11.2003 and not on 01.11.2001.

4. Sri A. Mohiley, learned counsel appearing for the respondents has submitted that the Tribunal has not expressly asked for paying the salary for the period in question but has clearly directed for notional pay fixation, which the respondents have done and the difference in the amount has accordingly been paid. He says, had the Tribunal <sup>any</sup> intention that the applicant should be paid salary for the period in question, it would have not provided for notional pay fixation but would have provided for actual pay fixation and payment of salary.

5. We are of the view that Sri Mohiley is correct. There is nothing in the order so reproduced above to show that the applicant is ~~also entitled~~, for salary for the period from 01.11.2001 and 31.10.2003. The orders of the Tribunal have been complied with. Therefore, the contempt proceedings are dropped and notice issued to the respondent is discharged.

*Anand*  
25/9/07

MEMBER-A.

*Tom*  
25/9/07

VICE-CHAIRMAN

/Anand/