

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Civil Misc. Contempt Application No.140 of 2005.

In

Original Application No.835 of 2002.

Allahabad, this the 8th day of September, 2006.

Hon'ble Mr. A.K. Bhatnagar, J.M.

Hon'ble Mr. A.K. Singh, A.M.

Devta Narain Upadhyay,
Aged about 64 years,
s/o late Ram Murat Upadhyay,
resident of Jalkal Road,
Raja Bazar, P.O. Khadda,
Distt. Kushi Nagar (U.P.).

Applicant

(By Advocate : Shri H.S. Srivastava)

Versus

Sri Naveen Tandon,
Divisional Railway Manager,
Northern Eastern Railway, Varanasi.

Respondents.

(By Advocate : Shri Anil Kumar)

O R D E R

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

Shri Anil Kumar, learned counsel for the respondents on the other hand submitted that the matter involved is in between the court and contemnor so this contempt petition can very well be decided as the order passed by this Tribunal dated 19.4.2005 in OA No.835 of 2002 has been complied with. Learned counsel for the respondents further invited our attention on paragraph 5 & 6 of the counter and submitted that against the order dated 19.4.2005 passed in OA No.835/02, a Writ Petition No.57902/05 dated 30.8.2005 was filed before Hon'ble High Court and

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Hon'ble High Court has passed the following order-

"Issue notice to the respondents returnable within six weeks. The respondents may file a counter affidavit in the meantime. The petitioner is permitted to serve respondent No.1 personally outsides court as well as by registered post and affidavit of service may be filed within three weeks."

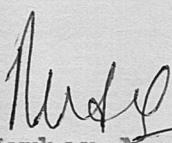
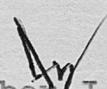
As the Tribunal has directed vide its order dated 19.4.2005 that the amount, which has been deducted as rent, may be recovered from the petitioners (Union of India and others), the order dated 19.4.2005 is stayed to that extent."

2. Learned counsel for the respondents further submitted that so far as the other part of the judgment of the Tribunal is concerned that interest on commuted value of pension and retirement gratuity has been given to the applicant by cheque No.453140 dated 1.6.2006 amounting Rs.38,508.00 and the same was dispatched on 2.6.2006 by Registered Post. Similarly, interest on leave encashment has also been calculated as per direction of the Tribunal and a Cheque No.453351 dated 23.6.2006 amounting Rs.6325/- has also been sent to the applicant on 24.6.2006, therefore, the order passed by the Tribunal has been complied with.

3. We have heard the counsel for the respondents and perused the paragraph 5 & 6 of the counter and order passed by Hon'ble High Court dated 30.8.2005 and we are satisfied that the order passed by this Tribunal has been fully complied with. Accordingly, the contempt petition is dismissed and notice issued to the

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respondent is hereby discharged. However, the applicant is granted liberty to revive this contempt petition by moving an MA subject to the outcome of the decision of the Hon'ble High Court.


Member-A
Member-J

RKM/