

OPEN COURT *19*

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 13th day of March 1997

Hon'ble Mr. T.L.Verma, J.M.

Hon'ble Mr. D.S.Baweja, A.M.

CIVIL CONTEMPT APPLICATION NO.152 of 1994

In

ORIGINAL APPLICATION NO.1134 of 1992

Mohd. Farooq, Fitter Class-I,
Northern Railway Kanpur, R/o
71/11, Juhu, Safed Colony, Kanpur.

... Applicant

Counsel for the Applicant: Shri A.A.Khan
Shri S.M.A.Kazmi

Versus

1. Major Dayal Dobra, Senior Divisional
Electrical Engineer, Northern Railway,
Allahabad.

2. J.P.Sharma, Senior Foreman, Northern
Railway, Kanpur.

3. S.C.Banerjee, D.P.O, Northern Railway,
Allahabad.

4. A.K.Jain, Divisional Railway Manager,
Northern Railway, Allahabad.

.... Opposite-parties

Counsel for the Respondents: Shri D.C.Saxena
Shri Prashant Mathur.

ORDER

Hon'ble Mr. T.L.Verma, J.M.-

The respondents were directed to appear in persons and show cause as to why they should not be punished

for contempt of court by order dated 22.5.1996. The personal appearance of the respondents was exempted

by the order of the Bench vide order dated 7.11.96.

The respondents have filed supplementary counter

affidavit stating therein that the directions of this Tribunal have been fully complied with. Copy of the

said supplementary affidavit was served on the learned

counsel for the applicant on 28.10.1996. No rejoinder

affidavit has been filed to deny the averments made

in the supplementary affidavit regarding compliance ~~with~~

~~of~~ the direction of the Tribunal. There is, therefore,

no reason to believe the averments made in the said

supplementary affidavit.

2. We have perused the order dated 22nd May 1996.

It appears that the Review Petition No.22/2/93 and

Contempt Petition were heard together and were disposed

of by a common order. As the Review Application was

pending in the normal course, compliance with the

directions issued by the respondents during the pendency

of the review application may not have been treated as

deliberate or intentional. In that view of the matter

while dis-missing the review application, time ought

to have been allowed to the respondents to comply the

directions issued by the Tribunal. This aspect, however,

escaped the notice of bench, the order was passed.

Be that as it may, the directions given by this Bench

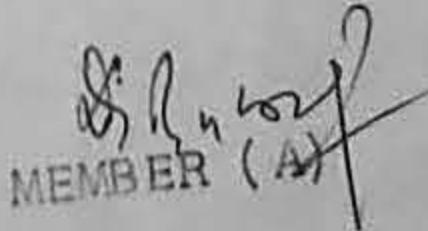
of the Tribunal in O.A.No.1134 of 1992 have since been

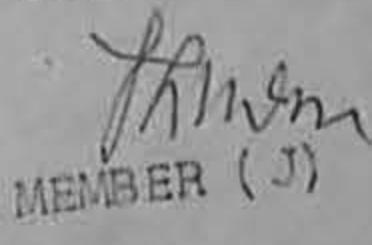
complied with and the applicant has been paid entire

AA
dues including pay and allowances for the entire period during which he would have been in service, had the date of birth been corrected as directed in O.A.No.1134 of 1992. There has thus been full ^{and} ~~in~~ compliance ^{with} of the directions issued by this Tribunal in the said O.A.

3. The learned Brief-holder of the counsel for the petitioner, however, submitted that the retirement benefits have so far not been cleared by the respondents. The directions which has given rise to the contempt petition however, do not make any reference to the payment of retirement benefits. Therefore, non payment of the retirement benefits does not come within the domain of the contempt petition. If the applicant is aggrieved by any of the order passed by the respondents in regard with the settlement of the retirement dues that will give him fresh cause of action and he may, if advised, file fresh application for ^{letter application} ~~the~~ directions.

4. For the reasons stated above, this contempt proceedings is dropped and notices issued are discharged.


MEMBER (A)


MEMBER (J)

SR
02/7

This misc Application
is moved in CCP in OA
1134/92 with prayer
that Hon'ble Bench be
pleased to exempt the
respondents from personal
attendance on the ground
that Respondents have
already complied the
directions of the Hon'ble Tribunal
order dt 22.5.96 passed
in OA 1134/92.
Application is in order

Ans

personal appearance of the respondents and be
further pass such other and further orders as may
be deemed fit and proper in the circumstances of the
case.

D.C.Saxena.

1. (D.C.SAXENA)
RAILWAY ADVOCATE

Prashant Mathur

2. (PRASHANT MATHUR)
RAILWAY ADVOCATE

COUNSEL FOR RESPONDENTS.

For Respondents

DATED:- 10.7.96