

OPEN COURT (13)

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, Juhi, Safed Colony, Kanpur.

... Applicant

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

Versus

1. Major Dayal Deora, 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 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, and 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



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 <sup>will</sup> compliance 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 <sup>ambit</sup> 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 <sup>beet by appropriate</sup> for 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 Tribunal  
order dt 22.5.96 passed  
in OA 1134/92.

Application is in order

Adl



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

- S. 11520*
1. *D. C. Saxena*  
(D. C. SAXENA)  
RAILWAY ADVOCATE
  2. *Prashant Mathur*  
(PRASHANT MATHUR)  
RAILWAY ADVOCATE

COUNSEL FOR RESPONDENTS.

Chief Justice  
DATED: - 10.7.96