

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Dated : Allahabad this 13th day of Dec. 1995.

C. C. A. No. 7 of 1994

In
Original Application No. 67 of 1992.

Hon'ble Dr R.K.Saxena, J.M.

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

B.R. Narula son of Late Shri Barkat
Ram Narula R/o 82 Saket Colony, Agra

. Applicant

(By Advocate Sri Bashist Tewari)

Versus

1. V.K.Agarwal, D.R.M. Central Railway, Jhansi.
2. Manoj Pandey, Senior Divisional Officer.
3. A.K.Verma, Senior D.A.O.Jhansi.

..... Respondents

(By Advocate Sri Prasant Mathur)

ORDER

By Hon'ble Dr R.K.Saxena, Member -J.

This contempt application has been filed with the prayer that the opposite parties have not complied with the directions given by this Tribunal while disposing of the O A 67/92 on 10.2.93.

2. The grievance of the applicant in the OA was that his pension and other pensionary benefits had not been determined in accordance with rules. According to him, his emoluments should have been calculated in the

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Contd....2.

light of para 2544 (g) (i) (ii) (b) of the Railway Establishment Code.

3. On consideration of the facts and circumstances of the case, the Tribunal gave following directions:-


"Accordingly respondents are directed to consider pension and pensionary benefits of the applicant in accordance with the law of Railway Establishment Code and the notification of the Railway Board of the relevant facts will be taken up within three months from the communication of this order. In case it is found notification was not correct, the applicant is ^{entitled} to more amount, the same is to be given along with arrears and this will depend on the determination of question as to whether the earlier period also should have been taken into account as if applicant was working as a guard in fact that (though) he was working as Asstt. Controller. The application stands disposed of with above directions. No order as to costs".


4. A perusal of the order shows that the opposite parties were required to decide the matter of actual pension and pensionary benefits to be given to the applicant in the light of decision of the said OA within three months. The contention of the applicant is that the opposite parties failed to do anything on their own, and they also failed to take decision on the representations Annexures A-2 and A-3.

5. The reply of the opposite parties is that the matter was considered and the applicant was not found entitled to get more pension and pensionary benefits as were demanded through the said OA No. 67/92. Neither

the copy of such order is given to the applicant nor is brought on record. Thus the plea taken by the opposite parties is not substantiated.

6. The learned counsel for the applicant has advanced very reasonable argument that he is not interested in the punishment of the opposite parties but is interested in compliance ^{with} the directions given by this Tribunal. In view of this innocuous prayer through argument, we are inclined to give one more opportunity to the opposite parties to decide the matter through a reasoned order upto 31.1.96 in compliance with ^{the} directions given earlier by the Tribunal in the matter. The application stands disposed of accordingly. Notices are discharged.


(D.S. Baweja)
Administrative Member


(Dr R.K. Saxena)
Judicial Member