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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Contempt Application No. 816 of 1993
In
Original Application No. 1154 of 1992

Allahabad this the 17/11 day of Nov. 1994

Hon'ble Mr. K. Muthukumar, Member(A)
Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Devi Prasad Pathak S/o Sri Panna Lal Pathak
R/o 25/38, Naya Bans, Lohamandi, Agra

By Advocate Shri Bashist Tiwari

Versus

1. V.K. Agarwal, M.R.M., Central Rly. Jhansi.
2. Manoj Pandey, Senior D.P.O., Central Rly., Jhansi.
3. Senior Divisional Account Officer, Central Rly.,
Jhansi

By Advocate Shir A.V. Srivastava

O R D E R

Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

The petitioner had come to this Tribunal making grievance of the facts that his pay fixation had not been properly done and that he was not given retirement benefits properly and that a wrong deduction of Rs.8,000/- had been made from his retirement settlement dues as over payment. He had also claimed that he should have been promoted as 'A' Grade Guard and his pay fixation should have been done taking that into consideration. In his O.A.No.1154 of 1992, he had raised all these points mentioning therein that he had filed a departmental appeal on the same grounds, which had not been disposed of. By the order dated 01.9.1992, this bench disposed of the aforesaid O.A. with the direction "The appeal shall be decided within a period of 6 weeks from the date of communication of this order. In case the applicant desires for a personal hearing the same may be given to him" (Annexure-III to the Contempt Petition). The petitioner filed the present contempt

and
petitioner is pressing his grievances as taken in the
O.A., pleading that directions of this Tribunal had not
been complied with despite lapse of time. Notices were
issued on which the respondents filed a detailed reply.
They have taken the plea that the appeal of the petitioner (Copy of which is Annexure-2 of the C.C.P.) has
been disposed of by a detailed order copy of which is
Annexure R-1.


2. Reading of Annexure R-1 shows that the
department considered the appeal and the grievances and
his pay in the scale of Rs.330-560/- was re-fixed on the
basis of Fourth Pay Commission recommendation being fixed
at ;.1720/- with effect from 01.1.1986, Rs.1800/- w.e.f.
01.1.1988 and so on. He was given the benefits of his
promotion as Passenger Guard on ad-hoc basis but, was not
given substantive promotion and, thus, his fixation of
pay was done on this basis. He was paid Rs.8,000/- which
had been earlier withheld alongwith Rs.2,941/- which become
due on re-fixation of his pay.

3. The petitioner makes a grievance that the
respondents have still not granted him all the benefits
which were claimed by him and wants that this Tribunal
to take action on the contempt petition. He cites
1986 A.T.R.(2) S.C.C. Page 252 to say that his appeal
had not been decided by the application of mind. This
Tribunal, however, finds that no force in that contention.
Orders of the Tribunal as given in Annexure-3 have been
fully complied with by deciding the appeal. Reading of
Annexure R-1 shows that all the matters raised by the

petitioner were considered by the respondents and most of the reliefs claimed ^{by} him were given. That his ~~another~~ appeal has not been decided as per his desire cannot mean that there was no compliance of the directions of this Tribunal. The directions were never to the effect that the petitioner be granted the reliefs prayed for in the O.A. The ruling cited has no application to the facts of this contempt petition. The appeal has been decided by the respondents with ~~the~~ due application of mind.

4. We find no merit in the contempt petition and, therefore, it is dismissed. The notices issued to the respondents are discharged.


(Jasbir S. Dhaliwal)
Member Jud.


(K. Muthukumar)
Member Admn.

/M.M./