

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

C.C.A. No. 1236 of 1993.

Original application no. 629 of 1993^{In}

This.....^{26th} the day of.....^{October 1994}

Brij Mohan Lal S/o Sri Nathu Ram,

R/o 17, Laxmi Gate, Jhansi.

..... Applicant.

By Advocate Sri M.P. Gupta.

Versus

1. Sri V.K. Agarwal, working as
Divisional Railway Manager,
Central Railway, Jhansi.

2. Sri P. Guha, working as
Senior Divisional Commercial Manager,
Central Railway, Jhansi.

..... Respondents.

By Advocate Sr. G.P. Agarwal.

FORAM: Hon'ble Mr. T.L. Verma, J.J.

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

(O R D E R)

By Hon'ble Mr. K. Muthukumar, A.M.

1. In this application for contempt, the applicant has alleged the non-compliance of this Tribunal's order dated 4.11.1992 and has prayed for proceedings under the contempt of courts act 1971 against the respondents. In the order of this Tribunal dated 4.11.1992, it was ordered as follows:-

" Accordingly, this application deserves to be allowed and the respondents are directed to pay the entire amount to the applicant within a period of 3 months, if within this period no proceedings in accordance with law for recovery of the said amount from the applicant is not taken. It is open for the Railway Administration also to make adjustment for the amount which has already been paid. No order as to the costs. "

2. The applicant contends that the respondents have not taken any steps, to implement the direction given and no amount as directed has been paid to the applicant so far. During the hearing, the applicant's counsel referred to the illegal deduction of sum of Rs 9,335/- from the pay of the applicant and Rs 85,201/- deducted from his retirement dues plus sum of Rs 250/- on account of non refund of the security of money totaling Rs 95,787/- plus interest at the rate of 18% per-annum as prayed for in the original application no. 629 of 1992. The respondents in the counter affidavit have averred that in compliance of the court's direction the total amount due to the applicant was duly calculated and after making adjustment for the amount which has already been paid to the applicant as directed by this Tribunal, a sum of Rs 72,857/- was paid to the applicant by cheque no. 154982 dated 10th September 1993 which was duly received by the applicant on 14.9.1993 and acknowledged by him on the registered letter, a photo copy of which has been annexed to the counter affidavit.


3. We have heard the learned counsel for the parties and perused the record. We find that the respondents had, in compliance with the direction of this Tribunal, paid a sum of Rs 72,957/- which had also been received by the applicant. There is no indication that the applicant had received this amount under protest for non-payment of any other amount which according to him was due from the respondents. In the order of this Tribunal also, we do not find any direction in regard to payment of any specified amount but there is a direction to pay the entire amount subject to making adjustment for amounts which have already been paid. There is also no direction in regard to the payment of security deposit or interest on the amounts due.

4. In the light of the above, we are satisfied that the respondents have complied with the general direction of this Tribunal and have paid the amount to the applicant which has also been received by him without any protest about the quantum of the amount. Therefore, we find no merit in this contempt application and, therefore, the application is dismissed and the contempt notices are discharged.

5. There shall be no order as to costs.



Member (A)


Member (B)

Allahabad: dated: 26.10.94

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