

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the day 6<sup>th</sup> Feb of 1995.

CIVIL CONTEMPT APPLICATION NO. 1788 OF 1993.

IN

ORIGINAL APPLICATION NO. 155 OF 1992.

Lallan Jha, S/o

Vindhyachal Jha, R/o 126 'C' Dharampur,

(Shahpur) P.O. Geeta Vatika,

District-Gorakhpur.

..... Petitioner.

By Advocate Sri B. Tewari.

Versus

1. Sri R.S.P. Kedia,

General Manager, N.E. Rly., Gorakhpur.

2. Sri Amarendra Bhattacharya,

F.A. & C.A.O./N.E.Rly./Gorakhpur.

3. Sri A.K. Mishra,

Chief Personnel Officer, N.E. Rly., Gorakhpur.

4. Sri A.K. Bajpai,

Divl. Accounts Officer/N.E.Rly./Lucknow.

5. Sri S.M.W. Islam, D.R.M.(P)/N.E.Rly,

Lucknow.

6. Sri C.B. Gupta, Manager, State Bank of India,

(Railway Colony) Gorakhpur.

By Advocate Sri A.K. Gaur.

..... Respondents.

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CORAM : Hon'ble Mr. T.L. Verma, MEMBER (J)

Hon'ble Mr. K. Muthukumar, MEMBER (A)

O R D E R (RESERVED)

By Hon'ble Mr. K. Muthukumar, MEMBER (A).

1. The petitioner has filed a contempt petition against the alleged contemnors, General Manager, F.A & C.A.O, Chief Personnel Officer of Northern Railway and also the D.R.M. of North Eastern Railway and the Divisional Accounts Officer, North Eastern Railway, for their wilful and disobedience of the order of this Tribunal dated 29.11.1992 and has prayed for imposing suitable punishment on the contemner, respondents for committing contempt of court and has also prayed for direction to the respondents to pay the amount of withheld retiral benefits and pension with further interest till the date of payment.

2. In the order of this Tribunal in O.A. no. 155/92, the respondents were directed " to pay withheld amount to the applicant within a period of three months from the date of the communication of this judgment with 10% interest." The withheld amount in terms of the para 1 of the judgment relates to sum of Rs 8040/- which has been withheld from the D.C.R.G. amounts due to the petitioner on his retirement.

3. In the counter reply, Senior Divisional Personnel Officer, while denying the contentions of the petitioner, has averred that there has been <sup>no</sup> intention to disobey the order of this Tribunal and have stated that the Railway Administration had filed a review in O.A. no. 155/92 against the judgment and order dated 23.11.1992 and which is under consideration of the Tribunal.

4. ~~and after~~ We have heard the learned counsel for the parties and perused the record.

5. It is seen that the counter reply in this case was filed and taken on record on 29.3.1994. Thereafter on 25.7.1994 when the case was listed, none appeared on behalf of the alleged contemnors, thereafter when the counsel for the contemner respondents appeared on 21.11.1994, the counsel stated that the counter affidavit filed by the Senior Divisional Personnel Officer was on behalf of all other contemnors and also sought <sup>exemption</sup> ~~exemption~~ from personal appearance by the alleged contemner no. 3, as directed by this Tribunal order dated 8.11.1994. In the Civil Misc. Application no. 43/93 filed by the counsel for the contemner respondents, it was averred that the Contemner Respondents have paid Rs 8040/- towards amount of gratuity withheld and another Rs 5343/- towards 10% interest by means of <sup>were</sup> ~~was~~ two cheques which ~~was~~ duly received by the petitioner in the Court on 3.1.1995. The counsel for the applicant, however, by an objection to the above misc. application has stated that the contemner had not calculated the amount correctly. The Contemner Respondents have stated that they have paid the amount of Rs 8040/- plus interest at the rate of 10% w.e.f. 1.5.1988 to 23.12.1994 i.e, date of <sup>payment</sup> ~~drawal~~ of cheques and the period of interest <sup>is</sup> ~~is~~ in accordance with the provisions of the Indian Railway Pension Manual.

6. In view of the above averments made by the Contemner Respondents, we are satisfied that the

Contemners have not deliberately disobeyed the order of this Tribunal and in the circumstances of the case, they had not committed any Contempt of Court. Accordingly, the contempt petition is dismissed and notices are discharged. No order as to costs.



MEMBER (A)



MEMBER (J)

ALLAHABAD: DATED: 6-2-1995

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