

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH, ALLAHABAD

DATED : ALLAHABAD MARCH, 12, 1996.

CORAM : Hon'ble Mr. Justice B. C. Saxena, V.C.
Hon'ble Mr. S. Das Gupta, Member-A

CONTEMPT APPLICATION NO. 207 of 1994.

IN

ORIGINAL APPLICATION NO. 1683 of 1993.

Ram Asrey S/o. Ram Manohar,
R/o. Vill. Mahurai, P.O. Badausa,
District Banda..... Petitioner.
(THROUGH ADVOCATE SHRI V.S. CHAUHAN)

V e r s u s

1. Vinod Kumar Agarwal Divisional Railway Manager,
(Personnel), Central Railway, Jhansi.
2. A. K. Baadariya DEN(East),
Central Railway, Jhansi.
3. M. P. Singh, Assistant Engineer,
Central Railway, Mahoba.

.....Respondents.

(THROUGH ADVOCATE SHRI AMIT STHALEKAR)

O R D E R(Oral)

(By Hon. Mr. Justice B. C. Saxena, V.C.)

The applicant had earlier filed an O.A. which was registered as O. A. No.1683 of 1993, claiming a direction to be issued to the respondents to pay his arrears of salary for the period commencing from 19.2.1991 to 14.9.1993. That O.A. was disposed of with a direction that the applicant shall make a representation to the authorities for payment of arrears of salary and after receipt of the said

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representation the authorities shall dispose of the same by reasoned and speaking order.

2. In the counter-affidavit a communication dated 20.4.1995 has been filed as Annexure-CA-1 which indicates that during the period in question, the applicant had not performed any duty and had been absent and thus, there is no basis for claim for arrears of salary for the said period and also enclosed ^{to} the said communication a chart indicating detailed dates of the applicant's absence.

3. The learned counsel for the respondents states that he had been furnished a rejoinder affidavit but that has not been filed and placed on record. However, the learned counsel for the respondents has however, given a copy of the rejoinder-affidavit for our perusal. ^{Subsequently the Rejoinder has been filed} In the Rejoinder-affidavit, the applicant has not been able to dis-lodge the facts indicated in the order passed by the authorities on the applicant's representation. On the contrary said averments appears to be correct since the applicant ~~shall~~ ^{has} placed ⁱⁿ the rejoinder-affidavit, ~~file~~ a medical certificate to indicate that he had been ailing and had been under treatment. Since the only direction in the O.A. was to decide the representation, if made, and the respondents have decided the representation, we are satisfied that there is no wilful or deliberate disobedience to comply with the directions given in the order passed in the O.A.

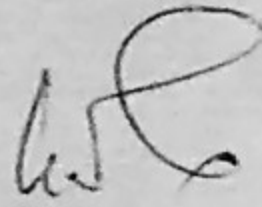
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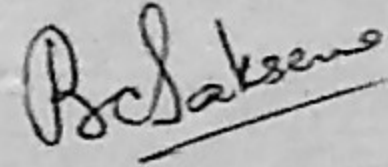
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4. The contempt application therefore, fails and is accordingly dismissed. Notices issued to the respondents are discharged.



MEMBER (A)



VICE-CHAIRMAN

DTD/- ALLAHABAD MARCH 11, 1996.

(Pandey)