

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Contempt Application No. 47 of 2003

In

Original Application 986 of 1995

Allahabad this the 12th day of January, 2004

Hon'ble Mr.V.K. Majotra, Vice Chairman,
Hon'ble Mrs.Meera Chhibber, Member(J)

Ram Sajeevan S/o Late Sita Ram, aged about 63 years
R/o - E,W,S-84, Sulem Sarai, Preetam Nagar, Dhumanganj
Allahabad.

Applicant

By Advocate Shri S.S. Sharma

Versus

C.P. Verma, Divisional Railway Manager, North Eastern
Railway, Varanasi.

Respondent

By Advocate Shri K.P. Singh

O_R_D_E_R(Oral)

By Hon'ble Mr.V.K. Majotra, Vice Chairman

O.A. 986 of 1995 was decided by order dated
14.03.2002 with the following directions to the respondents:-

"For the reasons stated above, this O.A. is allowed in part. Though the punishment awarded by impugned order dated 28.9.1993 confirmed by Appellate order dated 10.1.1994 is maintained but the reduction in salary shall not be treated permanent. In other words, the punishment awarded depriving applicant of two increments shall stand restored after two years. The applicant shall be paid the amount which had been deducted from him on the basis of the impugned orders within a period of six months and his pension shall also be recalculated accordingly within the same period. No order as to costs."

2. Learned counsel of the applicant stated that although all arrears have been paid to the applicant by the respondents, they have yet not paid the amount relating to leave encashment. He stated that applicant had 235 days leave to his credit and was entitled to a sum of Rs.77,000/- approximately by way of leave encashment. th

3. In this regard, learned counsel of the respondents stated that at the time of retirement of the applicant, no leave of average pay was due in the account of the applicant. The respondents have conveyed this fact to the applicant vide annexeure A-5 dated 05.03.97 attached with the contempt application.

4. Learned counsel of the applicant stated that issue of leave encashment was not the subject matter of the O.A. He filed a statement issued by Chief Travelling Ticket Examiner, showing 235 days leave to the credit of the applicant.

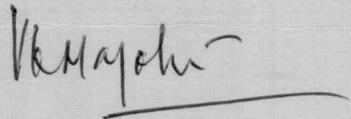
5. Having regard to the statement of learned counsel of the applicant that all the arrears excepting leave encashment have been paid to the applicant, we do not find any wilful and contumacious contempt by the respondents in regard to the compliance of the order and direction of this Court dated 14.03.2002 in O.A.No.986/95. C.C.P. is dismissed. Notices are discharged. However, if the applicant makes a representation to the respondents regarding payment of leave encashment and if the respondents on

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verification find that such leave encashment is
due to the applicant, same should be paid to him
expeditiously.



Member (J)



Vice Chairman

/M.M./