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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

THIS THE 22nd DAY OF MARCH, 2001
Civil Contempt Application No.21 of 1999

In

Original Application No.1139 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER(A)

Mohd.Jamil Khan, ret'd Goods Clerk,
Son of Shri Khalil Khan, R/o S 21/98
Englishiya Line, Varanasi.

... Applicant

(By Adv: Shri V.K.Srivastava)

Versus

Shri K.K.Pandey, Divisional Railway
Manager, Northern Railway, Hazrat Ganj,
Lucknow.

... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

We have heard Shri V.K.Srivastava learned counsel
for the applicant and Shri A.K.Gaur learned counsel for
the respondents.

This contempt application u/s 17 of A.T.Act 1985
has been filed for punishing respondents for contempt of
this Tribunal alleging wilful disobedience of the order
of this Tribunal dated 2.3.1998 in OA No. 1139/1993.

^{Paragraph 6 of}
~~The penultimate~~ order of this Tribunal ^{V contained V} ~~in para 6~~ The
~~directions contained are~~ as under:-

"The respondents are directed to verify
from the record as to what was the last

date which was accepted by the Judicial authorities in their judgements and on the basis of which the respondents had awarded the arrears of the wages to the applicant. They should work out and pay the pension of the applicant on the basis of which figure. This order shall be complied with within four months time. There will be no order as to costs."

Shri A.K.Gaur learned counsel appearing for the respondents has submitted that the respondents have already worked out the salary of the applicant on the basis of the judgements passed in proceedings under Payment of Wages Act and the applicant's basic^d pay on the date of retirement was Rs.440/-. It is also stated that it could not be under any state^d of imagination, Rs.560/-. The case of the applicant as stated by the learned counsel is that as the amount of gratuity^{paid to applicant} is Rs.9240/- which represents salary for 16 ½ months the basic pay if worked out on this figure shall be Rs.560/- per month.

We have carefully considered the submissions of the counsel for the parties. In our opinion, the gratuity is calculated on the basis of last pay drawn which includes all allowances even bonus. Thus the amount paid as last pay drawn would naturally^{be a} higher than the basic pay. The difference appears on this count.

After examining the whole matter we do not think that any case for contempt is made out. The respondents^{have} bonafidely worked out the basic pay of the applicant. However, to avoid any grievance on the part

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of the applicant we dispose of this application with the direction to the respondents to disclose the break up of the amount of last pay drawn on which the amount of gratuity ^{was paid} ~~is fixed~~.

With the above, this contempt application is disposed of. Notices are discharged. No order as to costs.

S. Bains
MEMBER(A)

[Signature]
VICE CHAIRMAN

Dated: 22.3.2001

/Uv/