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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 10TH DAY OF NOVEMBER, 2000

Civil Contempt Application No.66 of 1999

In

Original Application No.941 of 1997

CORAM:

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

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

C.L.Chauhan, S/o Late Kishori Lal
Chauhan, r/o 773/177/2, Rajrooppur
Allahabad.

... Applicant

(By Adv: Shri O.P.Gupta)

Versus

1. Sri S.Murali, Financial Adviser and
Chief Accounts Officer(F.A.&C.A.O)
Northern Railway, Baroda House,
New Delhi.
2. Smt. Prerana Gulati, Senior Divisional
Accounts Officer(Sr.D.A.O),
Northern Railway, Allahabad.

... Respondents

(By Adv: Shri Prashant Mathur)

O R D E R

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application U/s 17 of the Act the applicant has
prayed for punishing respondents for contempt by disobeying
the order of this Tribunal dated 18.2.1999 passed in OA
941/97. The direction given by the above order was as under:-

"We, therefore, allow this OA and direct the
respondents to pass appropriate orders on the
inquiry report after considering the representation
of the applicant within six months from the date of
receipt of this order failing which applicant
shall be entitled to all the retiral benefits due to

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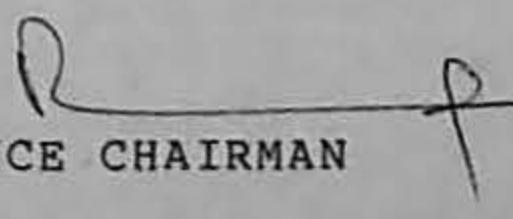
him alongwith interest @ 12% per annum."

The respondents have not been able to conclude the disciplinary proceedings within the period of six months as provided in the order. However, they have asserted that they have paid the retiral benefits to the applicant. In the second supplementary counter affidavit the respondents have stated in para 4 that as the applicant attained the age of superannuation during the pendency of the proceedings and retired from service(in 1995) the order of punishment could not be passed in view of the requirement of the Rule 9 of Pensions Rules and permission of Hon'ble the President of India is awaited. In para 5 it has been stated that the amount of Rs.74,577/- has been paid vide cheque No.538362 of 26.4.2000. So far as the grievanc-e of non payment of amount of Rs.12000/- of gratuity is concerned in para 6 it has been stated that the respondents are prepared to pay that amount also if applicant furnishes Bank Guarantee or execute ^{or} Indemnity Bond.

Shri O.P.Gupta has submitted that the applicant ^{is} ~~has~~ also entitled for the interest of 12% as provided in the order dated 18.2.1999. Shri Prashant Mathur has submitted that the amount of interest shall be paid within the period of three weeks from the date of communication of this order. The amount of Rs.12000/- shall be paid on furnishing bank guarantee during the same period. As clear from the above substantiall compliance of the order has been done and the remaining part is likely to be complied with within three weeks as stated by Shri Prashant Mathur, we do not find it a fit case for further proceedings ^{for} punishing the respondents. ^{or} Notice is discharge. No order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 10.11.2000