

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. CONTEMPT PETITION NO.169 OF 2002

IN

ORIGINAL APPLICATION NO.1416 OF 2000
ALLAHABAD THIS THE 17TH DAY OF SEPTEMBER, 2003

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Ram Niwas,
S/o Late Gajadhar,
resident of D-50/76-3-A, Mohalla Sheopurwa,
Jai Prakash Nagar,
Varanasi posted in Air Conditioned Office,
Northern Railway,
Varanasi Cantt.Applicant

(By Advocate Shri P.M. Srivastava)

Versus

1. Sri R.K. Singh,
General Manager,
Northern Railway,
Bathinda House,
New Delhi.

2. Sri Grover,
Chief Electrical Engineer,
Northern Railway,
Head Quarter Office,
Baroda House,
New Delhi.

3. Sri Kamalesh Gupta,
Divisional Rail Manager,
Northern Railway,
Hazaratganj, Lucknow.

.....Respondents

(By Advocate Shri A.K. Gaur)

ORDER

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

This Contempt Petition has been filed for punishing
the respondents for wilful disobedience of the order of

xxx this Tribunal dated 04.02.2002 passed in O.A. No. 1416/00. The respondents have filed CA which is taken on record. In para 5 of the CA the respondents have stated that the amount of overtime was calculated by the Railway Administration and the due amount of Rs.40,797/- has been paid through cheque. It has also been averred in the same para that there is no provision/instructions/rules of the Railway Board to pay interest in such type of matters except in the matter on delayed payment of Gratuity as per para 87 of the Railway Services (Pension) Rules 1994.

2. The learned counsel for the applicant argued that the contention of the respondents is *not* correct. The applicant is entitled for an amount of Rs.6,19,749.82 Paise whereas the respondents have paid only Rs.40,797.00/-. The claim of the applicant of amount of Rs.6,19,749.82 Paise has been accepted by the Tribunal and the Tribunal has also awarded interest for the delayed payment.

3. In order to appreciate the controversy we have perused the order dated 04.02.2002 and the relevant paras are paragraph 3 and 5 which are reproduced below:-

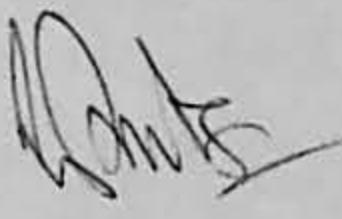
Para 3 "The respondents in their counter-affidavit has not denied the entitlement of the applicant, but it is stated that over time bills have been prepared in terms of the order of Hon'ble Apex Court and payment of some of the amount relating to over time allowance, has also been made. It is further stated that the remaining amount is being processed and same will be paid shortly."

Para 5. "After hearing counsel for the parties, we dispose of this O.A. with the direction to the Divisional Railway Manager, Northern Railway, Lucknow to expedite the remaining payment of over time allowance to which the applicant is entitled and also pay the interest on account of delayed payment as per rules/instructions of the Railway Board, preferably within a period of three months from the date of communication of this order. There shall be no order as to costs."

4. The perusal of the above paras establishes that the Tribunal has accepted that the applicant is entitled for payment of overtime but nowhere the claim of the applicant to the tune of Rs.6,19,749.82 Paise has been accepted. Besides as regards the payment of interest on delayed payment, the Tribunal has ordered that the interest is to be paid as per Rules/instructions of the Railway Board. Therefore, in view of para 4 and 5 of the ~~CA~~, we do not find that any case of contempt is made out.

5. The Contempt Petition is dismissed. Notices issued are discharged. However, we direct the respondents to intimate the basis of their calculation by which they have arrived at the due payment of Rs.40,797/- within three months and the applicant shall have liberty to agitate the matter on the ^{other} ~~side~~ ^{side}, in case he is still aggrieved.


Member-J


Member-A

/Neelam/