

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 3rd day of June, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. TIWARI, A.M.

CCA No.190 of 2003 in O.A. No.1092 of 2003

Ramesh Chandra Suri S/O Late Sri M.R. Suri R/O 336, Vijay
Nagar, Gorakhpur Road, District Gorakhpur.

.....

.....Applicant.

Counsel for applicant : Sri B. Tiwari.

Versus

Shri Om Prakash, General Manager, N.E. Railway, Gorakhpur.

.....

.....Respondent.

Counsel for respondent : Sri K.P. Singh.

O R D E R

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri B. Tiwari, learned counsel for applicant,
Sri K.P. Singh, learned counsel for respondent and perused
the pleadings.

2. The applicant preferred a representation dated
4.3.2003 which the General Manager, North Eastern Railway,
Gorakhpur was directed by the Tribunal vide judgment and
order dated 12.9.2003 passed in O.A. No.1092/03 to consider
and decide within a period of one month from the date of
communication of the order. The competent authority passed
a speaking order dated 13.11.2003 in context of the applicant's
representation dated 4.3.2003 submitted with regard to
payment of settlement dues after his retirement on 31.7.2003.
The competent authority namely the General Manager, in his
speaking order dated 13.11.2003 has provided as under in
respect of the settlement dues to be paid to the applicant :-

"After obtaining the legal advice, the payment of
provisional pension on the basis of the last pay
drawn was approved by the Chief Personnel Officer
on 22.8.2003 and accordingly Pension Payment Order
No.N.E./10101/242342 dated 14.10.2003 (Provisional)
has since been issued by the Financial Adviser &

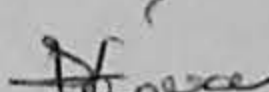
By

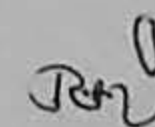
Chief Accounts Officer, N.E. Railway, Gorakhpur to the Manager, Allahabad Bank, Gorakhpur authorising payment of pension to Shri R.C. Suri and a copy of the Pension Payment Order has also been endorsed to the applicant."

3. With regard to the release of gratuity, commutation of pension, leave encashment and group insurance, the General Manager, in his order dated 13.11.2003, has provided as under :-

"Considering the relevant materials on record, all the settlement dues may be released to the applicant after with-holding/recovering the amount of over payments on account of Pay and Allowances, if any, made to Sri R.C. Suri, Sub-Rule (4) of Rule 15 of Railway Services (Pension) Rules - 1993 issued by the Ministry of Railways permits recovery of Government dues including overpayment on account of Pay & Allowances from the Death-Cum-Retirement Gratuity, even without obtaining the consent of the retired employee. Immediate action may accordingly be taken by Chief Personnel Officer and Financial Adviser & Chief Accounts Officer."

4. Sri B. Tiwari, counsel for applicant has tried to urge that entire amount due to the applicant has not been paid. We are afraid ²that the argument cannot be considered in contempt jurisdiction when the Tribunal had ²simply directed the respondents to consider and dispose of the representation. The representation of the applicant has been considered by a speaking order. The legality ^{or 2}and otherwise of the order is not open to challenge ^{in 2}the the contempt jurisdiction. If aggrieved, applicant will be at liberty to approach the Tribunal in original side in respect of his outstanding claim, if any. The contempt petition is, therefore, dismissed.


A.M.


V.C.

Asthana/