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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Civil Misc. Modification Appl./Review Appl. No. 3433/03

IN

Original Application No. 509 of 1997 WITH

Civil Contempt Petition No. 35 of 2003 WITH

Original Application No. 509 of 2003

Dated : This the 3rd day of February, 2004

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

Ashok Kumar Jain S/o Shri M.S. Jain, R/o 127, Tagore Nagar,
Dayal Bagh, Agra.

.....Applicant.

By Advocate : Shri A.K. Sachan

V E R S U S

Dr. B.K. Agarwal, Principal Raja Balwant Singh College,
Raja Balwant Singh Road, Agra - 282002.

.....Respondents.

By Advocate : Shri A.K. Singh

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

None for the applicant even in the revised call.

Shri Suresh Singh holding brief of Shri A.K. Singh, learned
counsel for the respondent no.1 is present.

2. The applicant had filed Contempt Petition no. 35/2003
claiming disobedience of the order of this Tribunal dated
18.04.2003 passed in O.A.No. 509/1997 wherein following order
was passed.

" For the reasons stated above, the O.A. is allowed
and the respondent no.4 is directed to pay the
salary in the pay scale of Rs.3700-5700/- as
provided in the order dated 6.3.1995 (Annexure 24).
The Current salary of the applicant shall be
paid from the month of April '02 payable in the
month of May '02 and arrears of the salary shall
be paid within a period of six months from the
date of communication of this order. No costs."

.....Pg 2/-

[Signature]

3. The respondent no.4 i.e. the Principal, Raja Balwant Singh College, Raja Balwant Singh Road, Agra in the mean-time filed Misc. Modification/Review Application No. 3433/03 stating therein that applicant can be paid the arrears only after funds are released by respondent no. 1 and 2 but even though respondent no.4 has written letter to the respondent nos 1 and 2. They have not given any reply, therefore, respondent no. 4 is not in a position to pay the scale of Rs.3700-5700 to the applicant. He, therefore, prayed that unless and until necessary directions are issued by respondents nos.1 and 2 and necessary funds are released for the payment of salary to the applicant in the pay scale of Rs.3700-5700/-. The respondent no.4 is helpless in paying the amount to the applicant. He, therefore, prayed that the order dated 18.04.2002 may be modified to the extent that respondents nos 1 & 2 be directed to decide the issue of the applicant in view of the letter dated 08.08.1995 of respondent no.4 and release the necessary funds for the payment of arrears of salary as well as current salary to the applicant i.e. Shri A.K.Jain in the pay scale of Rs.3700-5700/-. Today when the matter came up counsel for respondent no.4 submitted that now respondent nos. 1 and 2 have already released the amount of Rs.3,31,533/- after deducting the amount of Rs.1,42,086/- on account of income tax for payment of arrears w.e.f. 01.04.1993 to 31.12.2003 in respect of Shri A.K.Jain, Asstt. Statistician. Respondent no.4 has now filed a Suppl. Affidavit alongwith the said description and particular of bill and has stated that after receipt of necessary funds from the Government of

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India applicant has been paid sum of Rs.3,31,533/- through Cheque No.0230479 dated 19.01.2004 of State Bank of India after making the necessary deduction for income tax in accordance with law.

4. We have seen the affidavit filed by the respondent no.4 and Annexures and we are satisfied that respondent no.4 cannot be held for contempt any more as the direction has already been complied with after the funds have been released by respondent nos. 1 and 2 may be that being the reason the applicant is not present today to press his Contempt Petition. We are also satisfied by the justification shown by the respondent no.4 for delay in releasing the arrears to the applicant as the amounts were to be released by the Government of India to be paid by respondent no.4.

5. In view of the fact that now Government of India has already released amount to be paid to the applicant as arrears and amount has already been paid to the applicant. We do not think any further orders need be passed in the application moved by respondent no.4. The Misc. Application for modification is accordingly disposed of in view of the subsequent development that have taken place. The Contempt Petition filed by the applicant is dismissed. Notices are discharged against respondent no.4.