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[Open Court]

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALAHABAD BENCH, ALAHABAD**

THIS THE 17TH DAY OF JANUARY, 2012

Present :

HON'BLE MR. D.C. LAKHA, MEMBER-A

HON'BLE MR. SANJEEV KAUSHIK, MEMBER-J

Contempt Petition No. 14 of 2003

IN

Original Application No.145 of 1994

C.M. Mahapatra S/o Sri R.K. Mahapatra, G.E. (West), MES,
Allahabad, U.P. R/o Near Nehru Park Sulem Sarai, Allahabad, U.P.

.....Applicant.

By Advocate - Shri S.S. Sharma

VERSUS

1. Deepak Kansal son of Shri K.L. Kansal, Garrison Engineer (GE) (West) MES Allahabad.
2. Col John Mani, Commander Works Engineer (CWE) MES Allahabad.

.....Respondents.

By Advocate - Shri Ravi Prakash Singh

ORDER

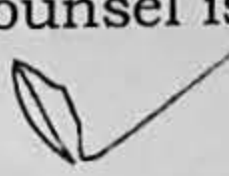
BY HON'BLE MR. D.C. LAKHA, MEMBER (A) :

Heard Shri Ravi Sharma holding brief of Shri S.S. Sharma, learned counsel for the applicant and Shri Ravi Prakash Singh, learned counsel for the respondents.

2. This Contempt Petition has been preferred for the alleged non-compliance of the order dated 07.05.2002 passed in OA No.145/94. The operative part of the order is extracted below :-

"5. It is clear from the perusal of the G.O., in question, that it provides the revised rates for journey for own motor car as well as by other modes of conveyance. There is no indication in this G.O. that maintenance of log book is

necessary. The learned counsel for the applicants has also stated that the applicants duly maintained the log books and have also submitted before the respondent No.7. Under the circumstances, it is clear that the G.O., in question, it merely provides revised rates of conveyance allowance. So far as the question of entitlement of the applicants for conveyance allowance is concerned, it is not in dispute because the applicants are already being paid the conveyance allowance. I do not find any justification on the part of the respondents to deny the revised rates of conveyance allowance in terms of the G.O. dated 18.12.91. The O.A. is accordingly allowed and the respondents are directed to pay the conveyance allowance to the applicants as per the extant rules and also in terms of the revised rates mentioned in the G.O. dated 18.12.91. There shall be no order as to costs."

3. It is seen from this order that the direction was given to the respondents for the payment of conveyance allowance in terms of the G.O. dated 18.12.1991. Learned counsel for the respondents/alleged contemnors Shri Ravi Prakash Singh has stated that the payment as per the order has been made to the applicants. He has also produced the copies of the cheques by which the payment has been made as well as receipt by the applicants. We have seen the copies of the cheques filed today and the receipt by the applicants on dated 31.12.2011, 5.12.2011, 29.11.2011, 24.12.2011, 29.11.2011 etc. Learned counsel for the applicant has submitted that he has not got the copy of compliance affidavit from the respondents/alleged contemnors. The respondents' counsel is directed to supply
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the copy of the compliance affidavit as well as copies of the cheques given in the court today as well as the receipt by the applicants to the applicant's counsel immediately. However, since the contempt matter is between the court and contemnor, we agree with the arguments of the respondents' counsel. We accept that the compliance has taken place. However, liberty is granted to the applicant to get the matter reviewed later on, if so advised.

4. In view of the above, the contempt petition is dismissed as the compliance has taken place. Notices are discharged.


Member-J


Member-A

/RKM/