

OPEN COURT

**CENTRAL ADMINISTRATAIVE TRIBUNAL ALLAHABAD  
BENCH: ALLAHABAD**

**(THIS THE 15<sup>th</sup> DAY OF DECEMBER 2009)**

**PRESENT**

**HON'BLE MR. A. K GAUR, MEMBER (J)  
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)**

**CIVIL CONTEMPT PETITION NO. 113 of 2008  
In  
ORIGINAL APPLICATION No. 426 OF 2006.  
(Under Section 19, Administrative Tribunal Act,1985)**

Anand Kumar son of Shri Ajay Prasad, R/o 541C,  
Jalalpatti, Diesel Locomotive Works, Varanasi.

.....Applicant.

By Advocate: Shri Ritvik Upadhyaya

**Versus**

1. Shri S.M Bharadwaj, General Manager, Diesel Locomotive Works, Varanasi.
2. Shri Hemand Katiyar, Chief Mechanical Engineer (Production), Diesel Locomotive Works, Varanasi.
3. Shri K.V. Nagaich, Chief Personnel Officer, Loco and Competent Authority, Diesel Locomotive Works, Váranasi.
4. Shri Saharsh Bajpayee, Deputy Chief Personnel Officer, Diesel Locomotive Works, Varanasi.
5. Shri S.K. Singh, Works Manager (Engine), Diesel Locomotive Works, Varanasi.

..... Respondents

By Advocate: Shri A.K. Sinha

**O R D E R**

**DELIVERED BY HON'BLE MR. A. K GAUR, MEMBER (J)**

Heard Shri V.K. Upadhyaya, learned counsel for the applicant and Shri A.K. Sinha, learned counsel for the respondents.

2. Learned counsel for the respondents submitted that representation as directed by the Tribunal has been disposed of vide order dated 11.8.2009 and applicant has also been paid 50% salary under para 1344 of Indian Railway Establishment Code Vol. 2.

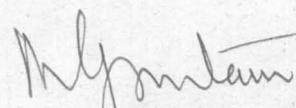
3. Learned counsel for the applicant has placed reliance on the decision rendered by Hon'ble Supreme Court in **M/s Shree Chamundi Mopeds Ltd. Vs. Church of South India Trust Assn. CSI Cinod Secretariat, Madras J.T 1992 (3) Supreme Court 98.**

4. We have carefully considered the decision referred by learned counsel for the applicant.

5. Learned counsel for the respondents has placed reliance on the decision of **V. Kankrajan's case reported in AIR 1996 (SC) page 2758 and Lalit Mathur's case reported in 2000 (10)SCC page 285** and submitted that order and direction of the Tribunal has been complied with by the respondents and applicant has been reinstated. There is no direction for payment of salary for the intervening period still respondents paid 50% salary to him.

6. Having heard parties counsel, we are satisfied that the order and direction passed by this Tribunal has fully been complied with by the respondents.

✓ 7. In view of the above we are satisfied that the respondents have not willfully disobeyed the order of this Tribunal. Since the direction of the Tribunal has been complied with, CCP is dismissed. Notices are discharged. If applicant is still aggrieved by order of the Competent Authority, he may file fresh O.A. if so advised.



**Member-A**



**Member-J**

Manish/-