

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH ALLAHABAD**

ALLAHABAD this the 04th day of September 2009.

**HON'BLE MR.A.K. GAUR , MEMBER (J)
HON'BLE MRS. D.C. LAKHA, MEMBER (A)**

Contempt Petition No.139 of 200⁹~~8~~

In

Original Application Number.1657 OF 1997.

1. Shrawan Kumar A/a 55 years Resident of Vill-Barua Sabal Pur, Po-Maghauli, District-Kannauj.
2. Krishna Pal Singh a/a 52 years, Resident of Vill-Nitchki, Po-Hausahua, Distt-Fateh Pur.

.....Applicants

V E R S U S

1. Sri Vivek Sinha General Manager, North Central Railway, Allahabad.
2. Sri Deepak Dave, Divisional Rail Manager, North Central Railway, Allahabad.
3. Ajay Chaturvedi, (Divisional Superintending Engineer (II), N.C. Railway, Allahabad.
4. Sri Sanjay Dixit, Assistant Engineer, N.C. Railway, Kanpur.

.....Respondents

Advocate for the applicant: Sri L.M. Singh

Advocate for the Respondents : Sri A.K. Pandey

O R D E R

DELIVERED BY HON'BLE MR. A.K. GAUR, J.M

We have heard Sri L.M. Singh, learned counsel for the applicant and Sri A.K. Pandey, learned counsel for the respondents.

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2. The operative portion of the order passed by the Tribunal is being reproduced hereunder:-

"In view of the above, the Tribunal has no option but to allow the OA with a direction to the applicant to approach concerned competent authority with a detailed representation giving details including statement of period during which he has not been paid subsistence allowance during the period in question, i.e 30.12.1993 to 05.08.2002. If it is found that applicant has not been paid subsistence allowance as claimed in this OA (i.e. for the period between 30.12.1993 to 05.08.2002), the applicant shall be paid subsistence allowance as per relevant Rules/orders etc., treating him under 'deemed suspension' with 10% Per Annum simple interest from the date for the period during which subsistence amount became due till its actual payment within a period of two months from the date of receipt of a certified copy of this order."

3. Learned counsel for the respondents invited our attention to the CA-1 and submitted that as per Court's direction the applicant is entitled to get subsistence allowance. The applicant has already been given subsistence allowance of Rs.202555/- and Rs.2,05177/- respectively in the month of September 2002. As regard 10% per annum interest is concerned learned counsel for the respondents submitted that he has already been paid the amount of interest to the tune of Rs.65,543/- and Rs.68,426/- vide order dated 3rd September, 2009 through Cheque Nos.384030 and 384031 respectively. Learned counsel for the respondents has also handed over aforesaid two cheques to the learned counsel for the applicant today in the Court and both the cheques have been received by the applicant's counsel under his signature.

4. Learned counsel for the applicant also submitted that inadequate amount of interest has been given to him and ⁴no interest for the period from 2002 to 2009 has been paid to him.

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5. We have given our anxious thought to the pleas advanced by the parties counsel, and we are firmly of the view that it is not a case of wilful disobedience of the order and direction passed by this Tribunal. The basic requirement of Civil Contempt is that there must be wilful disobedience of the order and direction of the Court. The applicant has already been given sufficient amount and today the respondents have given two cheques for different amounts towards interest. Accordingly the Contempt Petition is dismissed, notices discharge. If the applicant is still aggrieved, he may, if so advised, file fresh O.A. in regard to his grievance.


Member-A


Member-J

/Sushil/