

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

CP/17/1999 In
OA/424/1991

Date of Decision : 13.11.2000

Mr. S. N. Desai : Petitioner (s)

Mr. G. R. Malhotra : Advocate for the petitioner [s]

Versus

Shri. V. D. Gupta, G.M. & Anr. : Respondents [s]

Mr. N. S. Shevde : Advocate for the Respondent [s]

CORAM :

THE HON'BLE MR. A. S. SANGHAVI : MEMBER (J)

THE HON'BLE MR. G. C. SRIVASTAVA : MEMBER (A)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the judgment? ~
2. To be referred to the Reporter or not? ~
3. Whether their Lordships wish to see the fair copy of the judgment? ~
4. Whether it needs to be circulated to other Benches of the Tribunal? ~

Mr. S. N. Desai
Head Bkg. Clerk,
W. Rly., at Mahim,
(Bombay Central Division).

- Applicant -

Advocate : Mr. G. R. Malhotra

Versus

1. Shri. V. D. Gupta / his successor
General Manager, W. Rly.,
Headquarter Office,
Church gate, Mumbai - 400 020.
2. Shri. Pankaj Malviya / his successor,
Divisional Railway Manager,
W. Rly., Bombay Central Division,
Mumbai.

- Respondents -

Advocate : Mr. N. S. Shevde

ORAL ORDER
C.P. 17 of 1999
In
O.A 424 of 1991

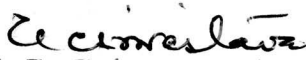
Date : 13.11.2000


Per Hon'ble Shri. A. S. Sanghavi : Member (J).

Heard Mr. Malhotra, learned advocate for the applicant and Mr. Shevde for the respondents. The C.P. had to be filed by the applicant on account of the respondents taking up a stand that the word 'consequential benefits' used in the order do not cover the back wages and other aspects. When we showed our inclination to take some necessary action against the officers, the respondents have agreed to pay up the due amount to the applicant. They had not expressed any regret for their action and after they were directed to do so an affidavit expressing their regret was filed on 6.11.2000. Mr.

Malhotra for the applicant has now submitted that the cheque of Rs.3,52,246/- covering most of dues of the applicant, is received. ~~Though~~ according to him earlier cheque given by the respondents have bounced back and the applicant was put to harassment of going back to the officer for getting counter signature etc., Mr. Malhotra in view of these circumstances, has prayed that at least cost of this C.P. be awarded and has submitted that the applicant does not wish to proceed further with this C.P.

2. Mr. Shevde, learned advocate for the opponents on the other hand has submitted that there were some misunderstanding on the part of the officers and that is why some delay in payment of the dues of the applicant occurred. He has urged that no order as to cost may be passed against the authorities. However, considering the nature of this litigation and considering that the applicant has been put to lot of mental trouble as well as harassment only on account of the negligence on the part of the Railway authorities, it will be proper to award cost in this C.P. The C.P. is however disposed of as the order has been complied with and the opponents are directed to pay the cost of this C.P. which is quantified at Rs.500/-.


(G.C. Srivastava)
Member (A)


(A.S. Sanghavi)
Member (J)