

In The Central Administrative Tribunal  
Calcutta Bench

CPC 31 of 1908  
(OA No.195 of 1996)

Present : Hon'ble Mr. Justice R.N. Ray, Vice-Chairman  
Hon'ble Mr. B.P. Singh, Administrative Member

Birendra Nath Ghosh

- VS -

S. Ramanathan (ER)

For the Applicant : Mr. P.C. Das, Counsel

For the Respondents: Mr. P.K. Arora, Counsel

Heard on : 8-12-2000

Date of Order : 8-12-2000

C R D E R

R.N. RAY, VC

In this contempt petition the applicant has alleged that the respondents/contemnors have willfully and deliberately violated the order passed by this Tribunal on 24.7.1997. In that order it was directed that the respondents should dispose of the petitioner's representation within three months from the date of communication of that order.

2. It be mentioned here that the applicant retired from Railway service as OS Gr.I w.e.f. 31.7.89. In the O.A. ~~in~~ relation to which this contempt petition has ~~been filed~~ the case of the applicant was that he was granted special pay of Rs.35/- w.e.f. 1.1.1981 on upgradation; but when he was promoted to the next higher grade i.e. as Head Clerk, his special pay was not taken into account for the purpose of fixation of his pay. He made several representations but without any result. The OA 195 of 1996 was disposed of on 24.7.1997 with a direction to the

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respondents to ~~dispose~~ of the representations of the applicant dated 22.11.91 and 12.9.95 within the specified period mentioned therein.

3. Respondents/contemnors have filed reply to the contempt petition in which they have submitted that the said special pay of Rs.35/- was taken into account for the purpose of fixation of the pay of the applicant in the higher post of Head Clerk w.e.f. 7.5.1982 and all consequential arrears to the tune of Rs.8777.45 was also paid to the applicant. Therefore, there cannot be any grievance of the applicant. In the reply statement the respondents have annexed a letter (marked as Annexure-R) dated 17.4.1998 which was passed in reply to the representation of the applicant as per direction of this Tribunal referred to above.

4. The matter came for hearing on several dates when Id. Counsel for the applicant prayed for adjournment for filing rejoinder to the reply. But no rejoinder has been filed.

5. To-day also when the matter came up for hearing, Id. Counsel for the applicant prays for further time to file rejoinder on the ground that he has not got any instruction from his client.

6. After considering the matter we find that the relief for which applicant filed O.A. has already been granted by the respondents as it would be evident from the Annexure-R to the reply dated 17.4.98. In view of above, there is nothing more to adjudicate. Since the applicant has failed to file rejoinder in spite of giving sufficient time, we do not find it necessary to allow him further time to file such rejoinder.

7. In view of above, there is no use of keeping the contempt petition pending any further. Accordingly, contempt proceeding is dropped and the ~~contempt petition is dismissed~~ <sup>alleged contemners are</sup> discharged from notice?

2nd year  
( B.F. Singh )  
Member (A)

( R.N. Ray )  
Vice-Chairman