

In The Central Administrative Tribunal
Calcutta Bench

CPC 5 of 1999
(OA 79 of 1996)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

Smt. Pravabati Kundu

- VS -

V.N. Mathur & Anr. (E. Nly).

For the Applicant : Mr. B. Mukherjee, Advocate.

For the Respondents: Mr. R.K. Das, Advocate.

Heard on : 23-3-2000

Date of Order : 23-3-2000

ORDER

D. PURKAYASTHA, JM

We have gone through the application for contempt proceeding filed by the applicant. It is found that a specific direction was given to the respondents to comply with the direction given in the order dated 15.1.1998. According to the applicant, the respondents willfully disobeyed the order and did not make payment to the applicant though specific direction has been given by the Tribunal to make payment of overtime allowance to the applicant. No evidence on record is found to show that the railway did not receive the payment from the Colliery authorities. We find that there is no confusion in the order itself and there is no ambiguity. An enquiry has been made by appointing a responsible officer who submitted his report on 21.5.99. From the report it is found that there is no evidence in regard of payment of O.T. amount from Colliery authority to Railway on account of O.T. earned by the deceased husband of the applicant. It could not be ascertained as to whether the Railway has received the payment of O.T. in favour of Shri Kundu. On perusal of the report of

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the Enquiry Officer the D.R.M. passed the order which runs as follows:

"Based on the inquiry conducted by the Assistant Personnel Officer and report of the Accounts Department, it cannot be proved that the payment of D.T. for the period in question was not made to Shri J. Kundu, ex-HWC. Thus, the claim of the applicant is not tenable and hence regretted".

It appears from the report dated 21-5-99 that a cheque number has been mentioned in support of the payment. But the enquiry as to has been made by the concerned Bank/whether any payment on the basis of the cheque number has been made by the bank authority or not. So the alleged enquiry is a half-hearted one. In view of the circumstances, without wasting any time we find that it would be appropriate on our part to direct the respondents to comply with the direction of the Tribunal by making payment to the applicant within one month from the date of communication of this order. Otherwise contempt proceeding will be drawn up against the alleged contemner. With this observation, application is disposed of.

G. S. Pringl
(G. S. Pringl)
Member (A)

U. Purkayastha
(U. Purkayastha)
Member (J)

DKN