

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.CPC.124/2000
(O.A.79/1996)

Date of order : 19.2.2004

Present : Hon'ble Mr. Nityananda Prusty, Judicial Member
Hon'ble Mr. N.D. Dayal, Administrative Member

PRAVABATI KUNDU & ORS.

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. B. Mukherjee, counsel
For the respondents : Mr. R.K. De, counsel

O R D E R

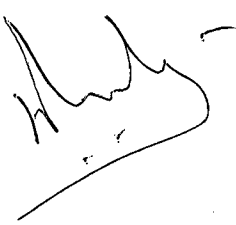
Nityananda Prusty, J.M.

Heard ld. counsel Mr. B. Mukherjee for the applicant and ld. counsel Mr. R.K. De for the official respondents. This contempt petition has been filed for non-compliance of the order dated 15.1.98 passed in the O.A.No.79/1996 as well as the order dated 23.3.2000 passed in CPC.No.5/1999. By order dated 15.1.1998 in O.A.No.79/1996 the respondents were directed as under :-

"to appoint one responsible officer under his control to enquire into whether any payment has been received by the railway authority as per letter dated 18.10.82(Annexure A/7) for making payment to the applicant Sri Kundu and that if payment was not made as per the letter dated 18.10.1982 to the applicant or his legal representatives (as per Annexure A/7) till date, then the payment should be made within 3(three) months from the date of communication of this order."

Since the said order had not been complied with, the applicants, who were legal representatives of the original applicant had approached this Tribunal by filing CPC.5/1999, which was disposed of on 23.3.2000 directing the official respondents to make payment to the applicants within one month from the date of communication of the said order.


2. When this matter was taken up, Mr. De ld. counsel for the official respondents/contemners drew our attention to page 15 of the O.A. wherein the applicants had given details of the unpaid overtime




wages of J. Kundu. The statement filed by the applicants as regards the Bill No.502/DHN/S/82 of 27.5.82 clearly indicates that for the period from 28.7.81 to 24.8.81 i.e. two spells billed amount was Rs.1413.90 but not paid. So far as Bill No.411/DHN/S/82 of 20.2.1982 is concerned, it indicates that this bill is for payment for the period from 30.12.1980 to 24.4.1981 and 25.8.1981 to 19.10.1981. The bill was submitted for Rs.5663.70 but payment was made of Rs.4886.90 less paid Rs.776.80. As such the applicant is entitled to balance payment of $\text{Rs.1413.90} + \text{Rs.776.80} = \text{Rs.2190.70}$ in total as against the two bills mentioned above. Annexure X-4 to the reply clearly indicates that Rs.2191/- has already been paid to the applicant on 24.2.2001. In view of the above position, Mr. De ld. counsel for the official respondents submits that order of the Tribunal has already been fully complied.

3. Mr. Mukherjee, ld. counsel for the applicants submits that the Project Officer by letter dated 13.4.1999 addressed to the Divisional Railway Manager, E. Railway, Dhanbad intimated that Bill No.411/DHN/S/82 dated 28.2.1982 was for Rs.22460.89 and Bill No.502/DHN/S/82 dated 27.5.1982 was for Rs.8772.43 and both the amounts were paid to the Railway administration by two cheques dated 31.7.82 and 22.4.83 respectively. In the said letter nowhere it has been indicated that the amounts in respect of the two bills as mentioned in the letter relates to Judhisthir Kundu or some other person.


4. In our considered opinion, since the applicants have already filed a statement of account alongwith the O.A. indicating the amounts not paid to them in respect of the Bill No.411/DHN/S/82 and Bill No.502/DHN/S/82 and the same have already been paid to the applicants, the official respondents have in no way violated the order of this Tribunal rather they have substantially complied with the same.



5. However, if the applicants find that the entire amount of Rs.22460.89 and Rs.8772.43 in respect of the aforesaid two bills are in respect of Judhisthir Kundu, which is not in conformity with the statement of account filed by him alongwith the O.A., they are at liberty to approach the appropriate forum for redressal of their grievances, if any, in accordance with law. The CPC is accordingly dropped. No order as to costs.



MEMBER (A)



MEMBER (J)