

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.CPC 128 of 2002
(OA 1104 of 96)

Date of order : 30.1.2004

Present : Hon'ble Mr.Justice B.Panigrahi, Vice-Chairman

Hon'ble Mr.S.Biswas, Administrative Member

VENUGOPAL

VS

UNION OF INDIA & ORS.

For the applicant : Mr.P.C.Das, counsel

For the respondents: Mr.P.K.Arora, counsel

O R D E R

Justice B.Panigrahi, VC

Heard Mr.P.C.Das, 1d. counsel appearing for the applicant and Mr.P.K.Arora, 1d. counsel appearing for the alleged contemnors. This Court passed an order on 14.12.2001 directing the respondents to decide the matter of granting Overtime Allowances to the applicant on the basis of the records of the Rest House or any other record within a period of 4 months from the date of communication of this order. If the applicant is entitled to get such Overtime Allowance, the same may be paid to him within 2 months thereafter. The applicant shall be at liberty to challenge the order passed by the respondents in this regard, if he is aggrieved by the said order.

2. After this order it appears that the applicant made a claim for having worked overtime. The respondent authorities thereafter asked him to give the details of his claim. After the applicant gave the detailed claim, the matter has been allegedly examined by the respondents in consultation with their records. But they are of the view that since the applicant had not worked overtime, therefore he cannot be given any Overtime Allowance.

3. Mr.Das's only grievance is that the respondents failed to communicate the decision taken by them denying the applicant's claim. It is true that from the record nothing is spelt out that the said order was communicated before filing the ^{same} in the Court.

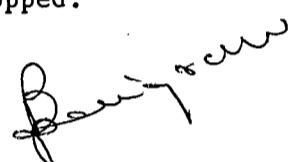
However, the respondents have enclosed a copy of the said order with the reply filed by them in the Contempt Application after service on the ld. counsel for the applicant. Ld.counsel for the applicant has now come to know about the decision of the respondents denying his claim.

4. As per the safeguard given in the OA it is now open to the applicant to file a fresh OA if he is so advised. But while dealing with the Contempt Application there is no scope for us to take any action against the respondents after such reply being filed by the respondents.

5. Accordingly the Contempt Proceeding is dropped.


S. A.
MEMBER(A)

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B. S. S.
VICE-CHAIRMAN