

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. MA249 of 2006  
CPC 169 of 2005  
(OA 624 of 1996)

Date of order : 25.5.06

Present: Hon'ble Mr.M.R.Mohanty, Vice-Chairman

Hon'ble Dr.A.R.Basu, Administrative Member

UNION OF INDIA & ORS.  
VS  
RADHA PRASAD

For the applicant : Mr.S.R.Kar, counsel

For the respondents : Ms.B.Banerjee, counsel

O R D E R

M.R.Mohanty, VC

Heard Ms.B.Banerjee, 1d.counsel appearing for the Applicant in the Original Application and Mr.S.R.Kar, 1d.counsel appearing for the Railways.

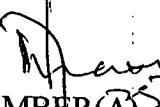
2. On the oral prayer of Ms.Banerjee the opposite party No.3 of the CPC 169/05 is permitted to be described correctly. She may carry out the correction in the Court under the supervision of the Court Officer, today.
3. In view of the corrections permitted to be undertaken in the Court (as ordered above) the MA 249/06 is hereby disposed of.
4. Non-compliance of the order dated 10.12.2004 of this Tribunal, rendered in OA 624/96 is the subject matter of this Contempt Proceeding No.169/05.
5. By bringing on record a copy of the order dated 02.02.2006 of the Hon'ble High Curt of Calcutta (rendered in W.P.C.T. No. 23/06) 1d.counsel for the Railways states that the Hon'ble High Court has entertained the Writ Petition directed against the order dated 10.12.2004 of this Tribunal (rendered in OA 624/96) and yet the Hon'ble Court has directed implementation of the order dated 10.12.2004 of this Tribunal subject to result of the said Writ Application.
6. In the aforesaid premises, this contempt Proceeding is disposed-of with a direction to the opposite parties of this Contempt Proceeding to implement the order

dated 10.12.2004 of this Tribunal (that was rendered in OA 624/96) which shall abide the ultimate result of the Writ Petition W.P.C.T. No. 23/06.

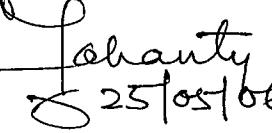
7. Mr. Kar, 1d.counsel appearing for the Railways states that the order, rendered on <sup>already</sup> 10.12.2004, has been complied with; though no compliance report has been filed before us. We accept the verbal statement of Mr. Kar, in presence of Ms. Banerjee, 1d.counsel appearing for the Applicant.

8. Ms. Banerjee stated while complying the order of this tribunal dated 10.12.2004 the Respondents of the OA have given financial benefits prospectively from 02.02.2006 although they should do it from 31.7.2000. Therefore, the Respondents of the OA 624/96 should clear up the arrear dues of the applicant right from 31.7.2000, if not yet done,

within a period of next 30 days, by obtaining an undertaking from the Applicant <sup>to refund the sum in the event he loses the case in the Hon'ble High Court.</sup>

  
MEMBER (A) 25/05/06  
in

VICE-CHAIRMAN

  
25/05/06