

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Contempt Petition No.31/2006

In

Original Application No.443/2002

This, the 18th day of September 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER (A)

Hem Raj Sharma aged about 49 years, son of Late Ram Padarth, resident of I-13, Barha Railway Colony, Alambagh, Lucknow.

...Applicant.

By Advocate:- Shri R.K. Upadhyay.

Versus.

1. Shri R.K. Gupta, Divisional Railway Manager, Northern Railway, Divisional Office, Hazratganj, Lucknow.
2. Shri Shailendra Kumar, Senior Divisional Personal Officer, Northern Railway, Divisional Office, Hazratganj, Lucknow.

... Respondents.

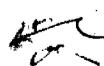
By Advocate:- Shri S. Verma.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER (J)

The applicant filed the C.C.P. under Section-17 of the Administrative Tribunal Act, 1985 with a prayer to punish the respondents for willful and deliberate disobedience of the direction issued by this Tribunal in O.A.No.443/2002 Dt. 24.05.2005.

2. The respondents have filed Counter Affidavit, denying the claim of the applicant stating that the respondent authorities have complied with the order-s of this Tribunal Dt. 24.5.2005 and filed compliance report Dt.1/5.9.2006 (An.-C-1).
3. Heard.



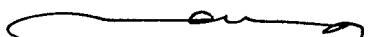
4. The admitted facts of the case are that the application O.A.No.443/2002 was disposed of on 24.5.2005 as follows:-

" The applicant accordingly would collect the medical memo and get himself medical examined from the competent prescribed medical authority and on getting the medical report, the respondents would allow him to join the duty in case the applicant is found medically fit by the prescribed medical authority. The applicant would be free to make a representation to the competent authority if certain amount with regard to his salary are still due and on receipt of such representation, if any, within a period of one month, the competent authority would decide the same under the rules and instructions prevalent in the department within a period of 3months thereafter. The respondents would collect the original or the copies of the records form the CBI and decide the admissibility of pay to the applicant with regards to his suspension dated 30.08.99. The payments would also be made in accordance with the decision. This exercise shall be completed within a period of 4 months"

5. The respondents have filed compliance report Ann.-C-1 in which they have considered the claim of the applicant for payment of salary and other reliefs as directed by the Tribunal with reasons. In such circumstances, it is not open to the applicant to say that the authorities have committed any contempt against the order of this Tribunal

6. The applicant, if he is not satisfied with the finding given in compliance report, is at liberty to file fresh OA and with this observations, this contempt petition is dismissed stating that there is no case against the respondents for the act of contempt. Notices are discharged.


(DR. A.K. MISHRA)
MEMBER (A)


(M. KANTHAIAH)
MEMBER (J)
 18.05.08