

Central Administrative Tribunal, Lucknow Bench, Lucknow

CCP No. 53/2006 In O.A. 9/2001

This the ^{11th} day of November 2008

Hon'ble Sri M. Kanthaiah, Member (J)

Hon'ble Sri A.K. Mishra, Member (A)

1. Raghvender Singh Yadav.
2. Yadvender singh
3. Virender Singh.
4. Smt. Suman Yadav, W/o Ajai Singh.
(All R/o E-315, Barra-3 Kanpur)

Applicant

By Advocate: Sri M.A.Siddiqui

Versus

1. Shri V.N. Mathur, General Manager, Northern Railway, Baroda House, New Delhi.
2. Shri Azizul Haque, DRM, Northern Railway, Moradabad.
3. Sri P. Pandey, SR. DPO, Northern Railway, Moradabad.
4. Sri P.Sudhakar, General Manager, SEC, Railway formerly S.E.Rly, Bilaspur.
5. Sri R.B. Bartariya, DRM/ SEC Rly Formerlly S.E.Railway.

Respondents

By advocate: Ms. Nini Srivastava for Sri Arvind Kumar

Order

By Hon'ble Mr. M. Kanthaiah, Member (J):

This contempt petition has been filed Under Section 12 of the Contempt of Courts Act read with Section 17 of the CAT Act, 1985 for initiating proceedings against the respondents on the ground that they have not complied with the orders of the Tribunal dated 17.5.2005 and willfully disobeyed the same.

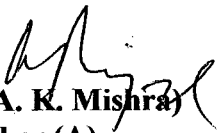
2. The respondents have filed compliance report stating that as per directions of the Tribunal, the competent authority had taken decision and filed the copy of the decision dated 8.8.2005 (Annexure 1) to the reply. He further stated that the Department is not aware of the death of Smt. Premwati Yadav and now the administration requires the succession certificate for receiving the unpaid amount and thus sought for dropping of the proceedings in the contempt petition.


3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for relief as prayed for.

5. In O.A. No. 9/2001, this Tribunal partly allowed the application on 17.5.2005 with a direction to the respondents to revise and fix the deceased in the scale of Rs. 2000-3200 w.e.f. 1.1.94 and in that event he would be entitled to the benefit and the arrears thereof be paid to his legal heirs within a period of three months from the date of receipt of a copy of this order.

6. The respondents have issued notice dated 7.7.2005 informing the applicant that in compliance of the order of the Tribunal dated 17.5.2005, the authorities have revised fixation of pay against the restructuring scheme in respect of deceased employee and intimated the same to the applicant. But during the pendency of this proceedings, the wife of the applicant who is applicant No.1 in the O.A. died and in such circumstances, the authorities are insisting for production of succession certificate for making payment to the remaining amount in respect of the amounts payable to the deceased employee. It is also the contention of the respondents that the succession certificate is required in respect of the deceased and as such it is not open to the applicant to blame the authorities on the ground of non-compliance of the order of the Tribunal. There is no merit in the claim of the applicant and as such the same is dismissed with liberty to the applicant to agitate on the re-fixation made by the respondent authorities vide notice dated 8.8.2005. With these observations CCP is dismissed. Notices are discharged.


(Dr. A. K. Mishra)
Member (A)


(M. Kanthaiah)
Member (J) 11.11.08