

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

CCP No. 30 of 2010 in Original Application No: 387/2009

This, the 31st day of July, 2012

HON'BLE SRI S.P. Singh, MEMBER (A)
HON'BLE Sri Navneet Kumar , MEMBER (J)

Ramu aged about 69 years son of late Ghomai T.No. Ex 197, CBM, Loco Charbagh, Lucknow (now retired) r/o Sarpatganj, Telibagh, Lucknow.

By Advocate: None Applicant.

Versus

1. Sanjay Kumar (Chief Works Manager) Loco Charbagh, Lucknow.
2. Ravi Kumar Chaturvedi, Deputy Chief Electronic Engineer, Loco Workshop, Charbagh, Lucknow.
3. Mr.R.K.Singh,Sr. Account Officer (W), Loco Charbagh, Lucknow.

By Advocate: Sri S. Verma Respondents.

ORDER (ORAL)

By Hon'ble Shri S.P.Singh, Member (A)

This CCP was filed for implementing the order of this Tribunal dated 18.12.2009 passed in O.A. No. 387/2009. The order passed by this Tribunal is reproduced below:-

“In the absence of any show cause notice the withholding of gratuity amount of the applicant all these years does not seem to be justified. They are directed to deposit the gratuity amount in a pledged account of the applicant, which would earn interest. They should complete the inquiry within a period of three months after giving an opportunity of hearing to the applicant. The matter regarding continuing occupation of the outhouse by the applicant should be decided after taking into account the submissions of the applicant about criminal case and such other defence grounds as may be placed by him. A

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final decision after full release of the gratuity amount should be taken within one month thereafter.”

2. No body had appeared on behalf of the applicant on several occasions when it was listed in the past. No body is present even today.
3. The learned counsel for respondents has drawn our attention to para 4 of the compliance report filed on 4.1.2012 which is as under:-

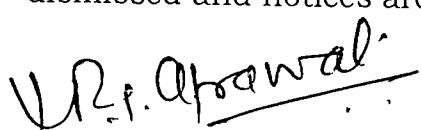
“4. That the contents of paragraph 2 of the application are admitted to the extent that the applicant had furnished a copy of Hon’ble Tribunal’s order passed in O.A. No. 387/2009 Ramu Vs. Union of India and others along with his letter dated 13th January, 2010 under speed post cover of even date. It is most respectfully submitted that in compliance of Hon’ble Tribunal’s order dated 18.12.2009 passed in O.A. No. 387/2009, a show cause notice No. 290-E/W/LKO/QRS/ Allot/10 dated 31.3.2010 followed by registered letter No. 839-E/Pay Bill/CB/LKO/Misc./ Ramu dated 3.5.2010 and letter of even number dated 27.5.2010, letter No. F/PR/CB/LKO/Misc./ Ramu dated 28.6.2010 etc. were sent to the applicant under registered cover to the applicant at his residential address provided by the applicant, but all were returned back with postal remark that the address is not traceable/address is wrong. Lastly, letter No. F/PR/CB/LKO/Misc./Ramu dated 17.7.2010 was served upon the applicant personally on 18.7.2010 but the applicant has not cared to submit any reply till date and is still not cooperating with the result that the requisite inquiry could not be completed within the stipulated time. It is respectfully submitted further that keeping in view that there is no provision of

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any "pledged account" under the rules, letter No. E/CC/Ramu/CB/08 dated 24th May, 2010 was written addressed to the Branch Manager, UCO Bank, Halwasia Market, Hazratganj, Lucknow, sending therewith, cheque No. 109922 dated 19.4.2010 for Rs. 125049/- for depositing the same in fixed deposit in favour of workshop Electrical Engineer, Northern Railway, Charbagh, Lucknow and interest thereon to be transferred to the applicant's account No. 00460101009290. Accordingly, fixed deposit account has been opened and the interest is being regularly transferred in the applicant's aforesaid account. Thus, it is evident that the respondents have complied with the Hon'ble Tribunal to the extent possible to the best of their understanding, knowledge and intention. Photo copies of letter No. E/CC/Ramu/CB/08 dated 24th May 2010, cheque No. 109922 dated 19.4.2010, FDR dated 26th May, 2010 along with letter of Senior Manager, Uco Bank, Hazratganj, Lucknow dated 10.3.2011 are being collectively annexed herewith as Annexure No. C-1 to this counter Affidavit.

4. In pursuance of order of this Tribunal dated 18.12.2009, the compliance has been made in toto and nothing remains to be complied with.

5. We have heard the learned counsel for respondents and perused the material on record and we found that substantial compliance has been made. Therefore, the contempt petition is dismissed and notices are discharged.


(Navneet Kumar)
MEMBER (J)


(S.P. SINGH)
MEMBER (A)