

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

CCP No. 60 of 2015

In re.

Original Application No. 501 of 2010

Reserved on 15.10.2015

Pronounced on 28th October, 2015

Hon'ble Mr. Navneet Kumar, Member-J

Hon'ble Ms. Jayati Chandra, Member-A

D.K. Chakravorty, aged about 81 years, S/o late L.M. Chakravorty, R/o 297/A 10th Street, Mohalla Rajendra Nagar, Lucknow.

.....Applicant

By Advocate : Sri Surendran P.

Versus.

1. Sri Gazahiya, Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. Sri Rajiv Misra, General Manager, NER, Gorakhpur U.P.
3. Sri C.M. Choudhary, Deputy Chief Engineer (Pension Drawing Authority), Gorakhpur area, office of Deputy Chief Engineer, NER, Gorakhpur.

.....Respondents.

By Advocate : Sri N. Nath.

ORDER

By Ms. Jayati Chandra, Member-A

The present Contempt petition has been filed by the applicant for alleged non-compliance of the judgment and order of this Tribunal dated 20.3.2015 passed in Original Application No. 501 of 2010. The operative portion of the order reads as under:-

"Accordingly, the O.A. is partly allowed. The impugned order dated 11.12.2009 is quashed. The matter is remanded to the respondents to recalculate and re-fix the entire pension as per directions of para 10 above. The entire calculation memo is also to be made available to the applicant. Any plus or minus adjustment may be made against amounts to be drawn in future by the way of pension/family either in lumpsum or by installment as mutually agreed. Based on the revised calculation, the revised PPO may be issued to the applicant. The entire exercise shall be completed within a period of three months from the date of receipt of copy of this order. No costs."

2. The respondents/contemnors have filed compliance report wherein they have stated that in compliance of order of this

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Tribunal, the matter was put-up before the competent authority including HOD and in the light of rules and regulations on the subject, the calculation sheet so prepared was approved by the Accounts department. Thereafter, the revised calculation as well as revised PPO dated 20.8.2015 were made available to the applicant by means of letters dated 14.8.2015 and 20/21.8.2015 respectively; a copy of which has been annexed as Annexure nos. CR-1 and CR-2 to the compliance report.

3. We have heard the learned counsel for the parties and also perused the pleadings on records as well as the compliance report filed by the respondents. As observed by the Hon'ble Supreme Court in the case of **J.S. Parihar Vs. Ganpat Duggar reported in 1996 Legal Eagle (SC) 1385** and also in the case of **Prithavi Nath Ram Vs. State of Jharkhand reported in AIR 2004 SC 4277** the Hon'ble Supreme Court has held that Court dealing with application for contempt of court cannot traverse beyond the order. It cannot test correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction with an application for initiation of contempt proceedings. The same would be impermissible and indefensible.

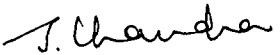
4. Apart from this, the learned counsel for the respondents also relied upon the decision rendered by the Hon'ble Supreme Court in the case of **Chhote Ram Vs. Urvarshi Gulati & Another reported in AIR 2001 SC 3468**. The Hon'ble Supreme Court has observed as under:-

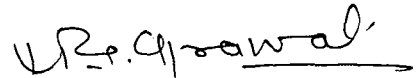
"Court directed for considering the case of the applicant for promotion. The case of the petitioner was duly considered, but his claim for promotion was rejected and in that even since the case of the applicant was considered as such, the contempt proceedings cannot be proceeded as there is no violation of any direction issued by the Court."

5. In view of the pronouncements of Hon'ble Supreme Court cited above, we find that the respondents/contemnors have not acted in a manner which can be deemed to be a willful disobedience of the order of this Tribunal dated 20.3.2015 passed in Original Application No. 501 of 2010.

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6. In view of what has been stated hereinabove, the CCP fails and is accordingly dismissed. Notices issued to the respondents are hereby discharged.


(Ms. Jayati Chandra)
Member (A)


(Navneet Kumar)
Member (J)

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