

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

Cont. No. 6/92 In C.A.No. 440/91

Mohd, Naseem Khan -----Applicant

-Vs-

Shri Bhagwati Prasad and another - Respondents.

Dated: 20.11.92

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

The applicant has made a complaint in this contempt application that the interim order passed in C.A.No. 440/91, dated 4.11.91, has been violated and as such the respondents should be punished under Contempt of Courts Act Vide order dated 4.11.91, the operation of the order dated 25.9.91 by which the applicant's services were terminated, was stayed with the result that the applicant was deemed to be continuing in service. Shri Hari OM Singh, who has put in appearance on behalf of contemners before us today, has produced a copy of the letter which is said to have been received by some official on behalf of D.R.M. in writing in which it has been said that the payment of wages for the month of November, 1991 to April, 1992 amounting to Rs 4,802/- has been sent to Station Behraich meaning thereby this payment has been made to the applicant. Learned counsel for the applicant stated that the payment of the earlier period has not been made and as such the contempt still services. Only the termination order was stayed and it was nowhere provided that the entire back wages shall also be paid. Accordingly, it can not be said that any contempt has been committed or any contempt still services. But we expect that now the payment to which the applicant is entitled, will be paid within a period of three months from the date of communication of this order. With the above observation, this contempt application is consigned and the notices are discharged.

*Compared  
10/12/93*

*Behraich*  
10/12  
JUL 1992  
C A T.

LUCKNOW. 10/12/93

Sd/-  
A.M.

Sd/-  
V. C.

to have been received by some official on behalf of DRM in writing in which it has been said that the payment of wages for the month of November, 1991 to April, 1992 amounting to Rs.4,802/- has been sent to Station Behraich meaning thereby this payment has been made to the applicant. Learned counsel for the applicant states that the payment of the earlier period has not been made and as such the contempt still survives. Only the termination order was stayed and it was nowhere provided that the entire back wages shall also be paid. Accordingly, it cannot be said that any contempt has been committed or any contempt still survives. But we expect that now the payment to which the applicant is entitled, will be paid within a period of three months from the date of communication of this order. With the above observation, this contempt application is consigned and the notices are discharged.

*b*  
MEMBER (A)

(ug)

*les*  
VICE CHAIRMAN.  
S. S. S.

*Received  
on 10/1/93  
and placed in  
file.*