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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

C.C.P. No. 70/2004 in

O.A. No. 145/93 (T.A.12/94)

Lucknow this the 14th of July, 2005.

HON. MR. JUSTICE S.R. SINGH, V.C.

HON. SHRI S.P. ARYA, MEMBER (A)

J.R. Sood, aged about 72 years, son of Late Shri B.D. Sood, permanent resident of village and Post office Qila Lal Singh, Tehsil Batla District Gudaspur (Punjab) (presently residing at C/4, H.A.L. Colony, Indira Nagar, Lucknow.

Applicant

By Advocate Shri R.C. Singh.

Vs.

1. Shri Pramod Kumar, General Manager, South East Central Railway, Bilaspur.
2. Shri A.K. Misra, Divisional Railway Manager, South East Central Railway, Nagpur Division, Nagpur.
3. Shri A.K. Jha, Senior Divisional Engineer, Nagpur Division, Nagpur.

Respondents

By Advocate Shri Raj Singh for Shri A.K. Chaturvedi.

Order (Oral)

By Sri Justice S.R. Singh, V.C.

1. The applicant, it appears, was compulsorily retired w.e.f. 28.3.89 and his representation against compulsory retirement order was rejected vide order dated 2.10.92. Both these orders came to be quashed and set aside by the Tribunal by judgment dated 15.3.04 in O.A. No. 145/93 which, on transfer from Bombay Bench of the Central Administrative Tribunal to this Bench, was registered as T.A. No. 12/1994. The Tribunal further directed "to consider to give all consequential benefits to the applicant in accordance with law and rules on the subject".
2. In the purported compliance of the said order passed by the Tribunal the Senior Divisional Personnel Officer South Eastern

[Signature]

Central Railway, Nagpur passed order dated 16.12.04 (R-4)

which reads as under:

"Reg: Settlement payment of Shri J.R. Sood Ex. CPW/KP
As per the judgment delivered by Hon. C.A.T./ LKO/Shri J.R.
Sood has been given the consequential benefits.
Accordingly the statement is given as below:

To be paid	To recover
1) DCRG+Interest Rs. 97193	1)H/rent Rs. 72232/-
2) Leave Salary Rs. 42240	2) Audit Para Rs. 330/-
3) NGIS Rs. 3062	3) Outstanding debit Rs.129795/-
4) Arrears of pay Rs.1489128	4)Store debit Rs. 1336/-
	5)Store debit Rs. 69460/-
	6) ESR Rs. 12494/-
Total Rs.291424	Total Rs. 285647/-

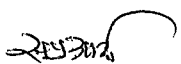
Against the payment of DCRG +interest of Amount Rs. 97193
an amount of Rs. 83620/- towards ESR, Audit para, Store
debit has been adjusted. The balance amt. Will be adjusted
his dues towards Leave salary, NGIS, Arrears of pay.

Thus by adjusting he will be entitled to receive Rs. 5777/-.
Complete case is sent herewith for arranging payment."

3. It has been submitted by the learned counsel appearing for the applicant that the respondents have failed to give all consequential benefits to the applicant in accordance with law and rules on the subject and therefore, they shall be deemed to have disobeyed the order passed by the Tribunal. The learned counsel for the applicant submits that the adjustment of Rs. 2,85,647/- from the amount due to the applicant was totally unjustified and without any valid basis. It would appear from the order afore stated that after adjustment of the aforesaid amount, the applicant has been held entitled to receive the amount of Rs. 5,777/- as per directions given by the Tribunal.



4. Having heard the learned counsel for the parties, we are of the considered view that legality or otherwise of the order, in so far as it directs adjustment of Rs. 2,85,647/- out of total amount of Rs. 2,91,424/- payable to the applicant, can be gone into a properly constituted Original Application. The respondents, in our opinion, cannot be said to have committed willful and deliberate disobedience of directions given by the Tribunal in its order dated 15th of March, 2004 directing the respondents "to consider all consequential benefits to the applicant in accordance with law and rules on this subject." Accordingly, the contempt petition fails and is dismissed without prejudiced to the right of the applicant to challenge order dated 16.12.04 passed by the respondents. Notices are discharged.



(S.P. ARYA)
Member (A)
s.d.


(S.R. Singh)
Vice Chairman