

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Contempt Petition No.84/2005

In

Original Application No.119/2005

This, the 18th day of September 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

HON'BLE DR. A.K. MISHRA, MEMBER (A)

Smt Taqdir Jahan wife of Late Majeed Ahmad, resident of Para Road, Rajajipuram, Lucknow.

...Applicant.

By Advocate:- Ms. Rubina Zafar.

Versus.

1. Sri R.K. Gupta, Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
2. Sri Rammeena, Chief Signal Inspector/Const), N.R./AMV, Lucknow.

... Respondents.

By Advocate:- Shri S. Verma.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed the petition to punish the respondents on the ground that they have not complied with the order of this Tribunal Dt. 01.07.2005.

(Signature)

2. The respondents have filed Counter Affidavit denying the claim of the applicant stating that in compliance of the order of this Tribunal Dt. 01.07.2005 both the parties applicant and Smt Munni were asked to submit Succession certificate from the competent Court under the Indian Succession Act, 1925, vide letter Dt. 12.08.2005 (Ann.-C-2) for release of terminal benefits of the deceased employee and when Smt Munni filed an application for Succession certificate as Miscellaneous Case No.294/2005 on the file of Civil Judge (Senior Division), Mallhabad, Lucknow in which, she has added applicant herein as Respondent No.2 whereas Dy. CSTE/Project, RRI Complex, Northern Railway, Charbagh, Lucknow as Respondent No.3 and the said matter is still pending. Ann-C-4 is the copy of the notice. Thus they stated that without declaring the status of the parties they are not in a position to clear the settlement dues of the deceased employee.

3. Heard.

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

5. The Original application filed by the applicant on the file of this Tribunal in O.A. No. 119/2005 is disposed of vide order Dt. 01.07.2005 with a direction to the respondents to decide the representation of the applicant Dt. 27.5.2005 after getting necessary forms filled within 45 days after receipt of the copy of representation, which may be filed within 10 days by the applicant. In pursuance of the said direction, the respondent authorities have decided the representation of the applicant and also asked her to submit succession certificate for



entertaining her claim (Ann-C-2) Dt. 12.08.2005. Till now, the applicant has not obtained any succession certificate and in view of the rival claims, the respondent authorities have no way, other than asking the parties to get the succession certificate in respect of the terminal dues payable to of the deceased employee. Thus, no case is made out against the respondents under contempt of Court Act, hence the application is liable for dismissal.

In the result, C.C.P. is dismissed. Notices are discharged.


(DR. A.K. MISHRA)
MEMBER (A)


(M. KANTHAIAH)
MEMBER (J)

18.09.06

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