

Central Administrative Tribunal, Lucknow Bench, Lucknow

C.C.P. 23/2005 In O.A. 533/96

This the ^{11th} day of November, 2008

Hon'ble Sri M. Kanthaiah, Member (J)

Hon'ble Sri A.K. Mishra, Member (A)

Chandra Kant Jyoti Prasad Shukla, aged about 67 years, son of Sri Jyoti Prasad Shukla, resident of Village :Pathakpur, Asoha, District Unnao.

Applicant.

By Advocate: None.

Versus

**1. Mr. S. B. Ghosh Dastidar, General Manager, Central Railway
Bombay V.T.**

**2. Mr. Vipin Jha,
Divisional Railway Manager, Central Railway, Sholapur.**

Respondents.

By Advocate Sri Praveen Kumar for Sri Anil Srivastava.

Order

By Hon'ble Mr. M. Kanthaiah, Member (J):

This contempt petition has been filed Under Section 12 of the Contempt of Courts Act read with Section 17 of the CAT Act, 1985 for initiating proceedings against the respondents on the ground that they have not complied with the orders of the Tribunal dated 20.4.2004 and willfully disobeyed the same.


2. The respondents have filed counter reply stating that they have filed writ petition against the orders of the Tribunal which is pending. Thereafter, the respondents have handed over the cheque of Rs. 69,219/- to the applicant counsel on 15.9.2008 towards compliance of the order of the Tribunal.


3. The applicant has filed reply stating that he is entitled for 12% interest on the difference of arrears of salary from 1.2.1988 to 12.4.1993 which comes to Rs. 4 lakhs but the respondents have paid only an

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amount of Rs. 69,219/- which is not at all compliance of the order of the Tribunal.

4. The O.A. No. 533/96 filed by the applicant was disposed of on 20.4.2004 stating that the applicant is entitled for interest on the arrears @ 12% per annum from 1.2.1988 but no amount of arrears have been ascertained by the Tribunal and in such circumstances, it is not open to the parties to finalize the arrears payable to the applicant in this CCP. As per contention of the respondents^{as per} their calculation, they are liable to pay Rs. 69,219/- and as such they have issued the cheque for the said amount and they have not filed any calculation memo also. But as per the version of the applicant, he is entitled for more than ~~Rs. 4~~ 4 lakhs but not Rs. ~~69,219/-~~ 69,219/-. Without ascertaining the arrears payable to the applicant in main O.A., coming to correct calculation at this stage is not at all possible and as such CCP is not sustainable on the ground that the respondents have not paid entire dues payable to him and the applicant is at liberty to file fresh O.A. in respect of actual amount payable to him and also the interest awarded by the Tribunal in this O.A. @ 12% per annum on such arrears. With these observations, CCP is dismissed and notices are discharged.


(Dr. A. K. Mishra)
Member (A)


(M. Kanthaiah)
Member (J)
11.11.2008

HLS/