

Central Administrative Tribunal, Lucknow Bench, Lucknow

CCP No. 39 of 2008 in O.A. No. 351 of 2007

This the ¹⁵ day of November, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

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

Jag Ram

Applicant

By Advocate: Sri Siya Ram

Versus

1. Chahate Ram Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

2. Smt. Renu Sharma, Senior Divisional Personnel Officer, Divisional Railway Manager, Office, N.Rly. Hazratganj, Lucknow.

Applicants

By Advocate: Sri B.B.Tripathi for Sri M.K.Singh

ORDER

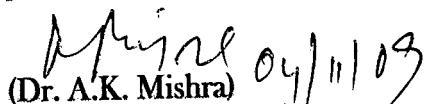
HON'BLE MS. SADHNA SRIVASTAVA, MEMBER (J)

This contempt petition has been filed alleging non-compliance of order dated 23rd January, 2008 passed in O.A.No. 351/2007. This Tribunal directed the respondents to consider and settle the pensionary benefits of applicant which he claimed through his representation dated 19.7.2006 and decide the same by speaking order as per rules and regulations. Pursuant to the aforesaid direction, Assistant Personnel Officer (T&C) . N.Railway, Lucknow has decided the representation of the applicant vide order dated 25.8.2009 by reasoned and speaking order. The aforesaid order is on record as Annexure 1. The applicant was paid the retiral dues. He was paid Rs. 2,63,658/- through cheque dated 4.9.2008 towards DCRG, Rs. 19,422/- towards GIS, Rs. 1,83,386/- towards P.F. and Rs. 1,13,453/- towards leave encashment to the applicant. He was also paid the amount of R. 2,29,908/- towards commutation of pension. Packing allowance to the tune of Rs. 9,925/- has been sanctioned on 31.3.2009. According to the applicant, Group Insurance which was sanctioned by the respondents has not yet been paid to him. The amount of transfer and packing allowance (Rs. 9925/-) has also not been paid to him. It is further submitted that the period of suspension from 12.9.97 to 20.10.97 has been regularized but the respondents have not paid the arrears yet. However, Annexure No. 1 shows that the amount of Rs. 6194/- has been sanctioned. The grievance of the applicant is that the respondents have not paid interest from due date.

2. We have gone through the judgment and record.

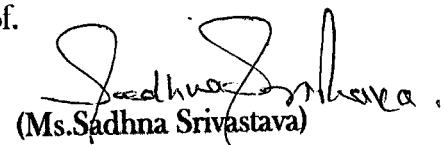


3. The direction of this Tribunal was to decide the claim of the applicant by reasoned and speaking order in accordance with rules. Admittedly, the representation of the applicant has been entertained and considered by a reasoned and speaking order dated 25.8.2009. The grievance of the applicant is based on the allegation that the speaking order is not in accordance with law. If this allegation is correct, the remedy of the applicant is to challenge the same by way of filing fresh O.A. and not by filing this contempt. Unless it appears that the order dated 25.8.2009 has been deliberately given in violation of law so as to circumvent the order of this Tribunal or by way of vindictive action upon the applicant, no case for contempt arises. When this Tribunal directs an authority to decide "in accordance with law and rules" it means in accordance with law and rules to the best understanding of the authority and therefore a mere error of the judgment with regard to the legal position and interpretation of rules cannot result in contempt of court. Before we part, we may mention that the amount which has already been sanctioned by the respondents vide order dated 25.8.2009 (Annexure 1), in case the same has not yet been paid to the applicant, the same should be paid by the respondents within a period of 2 months hereof. With this direction, CCP is disposed of.


(Dr. A.K. Mishra) 04/11/09

Member (A)

HLS/-


(Ms. Sadhna Srivastava)

Member (I)