

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

CCPA - 24 of 1998

(Arising out of order dated 3.4.98 passed in OA 42/96)

DATE OF ORDER : 02.02.2000

Ganesh Sharma, S/o Achuta Sharma, aged about 62 years
retired Ticket Collector, N.E. Railway, Siwan, resident
of village - Ekma Bhatoli, P.O. Ekma, Distt.- Siwan.
.....APPLICANT.

By Advocate Shri S. Pandey.

Versus

1. The Union of India, through Shri Som Nath Pandey,
General Manager, N.E. Railway, Gorakhpur.
2. Shri S.P. Singh, D.R.M., N.E. Railway, Varanasi.

....RESPONDENTS.

By Advocate Shri G. Bose.

C O R A M

Hon'ble Mr. Justice S. Narayan, Vice-Chairman
Hon'ble Mr. L. Hmingliana, Member (A).

O R D E R

(Dictated in open court)

Justice S. Narayan, V.C.:- By order dated 3.4.1998

passed in OA 42/96, this Tribunal directed the respondents
(Railway Authorities) to consider the prayer of the
applicant for payment of his outstanding retiral
benefits such as pension, P.F., leave encashment,
commuted value of pension gratuity etc. within a period
of two months from the date of communication of the
said order.

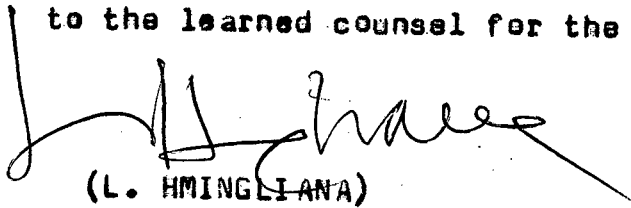
2. The learned counsel for the applicant
admitted that so far the commutation of pension and

DCRG was concerned, the payment has already been made. Some payments have also been received with regard to leave encashment as well as transfer packing allowances. With regard to the balance amount of DCRG to the tune of Rs. 5000/-, the counsel for the applicant is having no instruction from his client. Be that as it may, what has been emphatically urged on behalf of the applicant is that even though the railway respondents have already issued cheques towards the outstanding amount of P.F. and GIS as long back as in the month of August, 1996, those cheques have not actually been received by the applicant, and the payments for those amounts have still remained outstanding. This, in our view, will not make out a case for initiation of contempt proceedings against the respondents. Rather, it would be deemed expedient to direct the railway authorities to go for a brief inquiry into the matter, and ensure whether the cheques / already issued have been handed over to the applicant and encashed or not, and, in case those cheques have not been encashed in favour of the applicants, / fresh cheques should be issued for payments to the applicant on proper verification. Let this exercise be made at the earliest possible and, preferably, within three months from the date hereof. With the observation as above, we are confident that no contempt proceedings is required to be initiated

Sharma

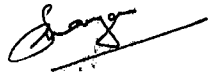
against the respondents for the present. This CCPA is, accordingly, disposed of.

3. Let a copy of this order be made available to the learned counsel for the parties.



(L. HMINGLIANA)

MEMBER (A)



(S. NARAYAN)

VICE-CHAIRMAN