

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

C.C.P.A. No. 14 of 2001

(Arising out of O.A. No. 332 of 1996)

Raj Nath Prasad Applicant.

Vs.

Shri Devendra Singh Respondents.

For the applicant : Shri J.K. Karn.

For the respondents: Shri G. Bose.

C O R A M

Hon'ble Smt. Shyama Dogra, Member (J)

Hon'ble Shri Mantreshwar Jha, Member (A)

19./ 11.02.2004. O R D E R

(Dictated in Court)

By Shyama Dogra, Member (J):- This contempt petition has been filed by the applicant for non-compliance of the order passed by this Court in OA 332 of 1996, decided on 28.4.2000, whereby the applicant was held entitled for payment of gratuity amount after deducting the valuation of EFTs, admittedly issued to him as per account as at Annexure A/2. The entire exercise was to be done within a period of four months from the date of receipt of the order.

2. The respondents have filed show cause and submitted in para 4 that the order passed by this court has been duly complied with while sending the requisite amount under various heads to the applicant vide cheque No. 558715 dated 2.4.2001 on SBI/Begusarai under registered post No. 5868 dated 7.4.2001 at his home

address. Therefore, nothing survives in this petition.

The respondents have also annexed copy of the order dated 31.8.2000 (Annexure R-1) with regard to the details of those amount which has been paid to the applicant after deducting the EFTs amount of Rs. 23,000/-.

3. The applicant has also filed rejoinder to the show cause and submitted that the amount of Rs. 23000/- as deducted by the respondents is not in accordance with the averments made in the said OA by the applicant, as Annexure A/2 was not disputed by the respondents and the same has been mentioned in para 5 of the said order. Therefore, they have not complied with the order in its letter and spirit. Therefore, they are liable to be dealt with in accordance with law.

4. We have heard the learned counsel for the parties and gone through the record. After perusal of para 4 and 9 of the show cause and Annexure R-1, it is found that the respondents have almost complied with the order passed by this court. So far as deduction of Rs. 23,000/- as EFT is concerned, the applicant is at liberty to make proper representation to the respondent concerned while giving reference to the decision passed by this court, particularly para 5, and the said respondent is hereby directed to pass appropriate order on the representation and settle the matter within the period of three months from the date of receipt of such



representation, after giving an opportunity of being heard to the applicant.

5. In terms of these observations and directions as above, notices issued to the respondents are hereby discharged and the proceedings are also dropped. Therefore, this CCPA is disposed of accordingly. No order as to costs.

/CBS/

(MANTRESHUAR JHA) M(A)

Shyam Dogra (1/2) 04
(SHYAMA DOGRA) M(J)