

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.
CCPA No. 23/2010
[OA 362/2006]

Dated of order : 7th September, 2010

Chandradeep Ram

Vrs.

Shri .K. Agarwal

Shri M.P.Dixit, Id. counsel for the applicant.

Shri Mukundjee, Id. SC for the respondents.

ORDER [oral]

Counsel for the petitioner and contemner/respondents are heard. The learned counsel for the respondents submitted that the order passed by this Tribunal has been complied with.

2. On perusal of the record, it is clear that the order of the Tribunal was only that the applicant [petitioner] may be given a detailed show cause notice as well as an opportunity of personal hearing, and thereafter the respondents will pass a reasoned and speaking order taking into account his reply to the show cause notice as to how the excess payment has been arrived at, as also how the increments were affected which led to reduction of pay from Rs. 6950/- to Rs. 6500.

3. From perusal of the record it appears that a show cause notice [Annexure-C/3] was issued to the applicant and ^{an} ~~show cause~~, the petitioner [applicant] was given an opportunity for personal hearing [Annexure-R/1 and Annexure-R/2]. Annexure-C/4 is the representation of the applicant in response to the show cause notice dated 17.4.2009 and Annexure-R/3 is the speaking order in which reasons has been ^{given} ~~shown~~ with calculation as to how the deductions have been made and how the pay[↑] of the applicant has been reduced.

4. The contention of the learned counsel for the applicant is that the reasoning of deductions and reduction of his pay is in violation of various judgments passed

2.

by this Tribunal as also by the Hon'ble High Court, Patna.

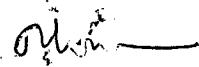
5. This is a contempt matter and the limited point to be considered in this contempt petition is whether the order of the Tribunal has been complied with or not. As has been stated above, the respondents issued show cause notice, and had also given an opportunity of personal hearing. They considered the show cause submitted by the petitioner [applicant] and the respondents have passed the speaking order. It is not a right forum to see as to whether the speaking order suffers from illegality and is against the principles adopted in various judgments in Court of Law.

6. Hence, we find that no contempt is made out against the respondents. Accordingly, the contempt petition is dropped and the notices issued to the respondents are discharged. It is however, observed that if the petitioner is still aggrieved by the speaking order, he may file a fresh OA.



[Sudhir Kumar]M[A]

mps.



[Rekha Kumari]M[J]