

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHCCPA 39 OF 2006

[Arising out of OA 483 of 2005]

[Patna, this Friday, the 29th Day of May, 2009]

C O R A MHON'BLE MR. SHANKAR PRASAD, MEMBER [ADMN.]
HON'BLE MS.SADHNA SRIVASTAVA, MEMBER [JUDL.]Prem Kumar Nandan, S/o Shri Choote Nanda, resident of mohalla –
Bhijkhachak, P.O.: Anisabad, P.S.: Gardanibagh, District – Patna......APPLICANT.By Advocate :- Shri J.K.Karn.

Vs.

1. Shri J.S.P.Singh, The Chief Personnel Officer, Eastern Railway, Kolkata.
2. Shri Ajit Kumar Rawal, the Divisional Railway Manager, Asansol.
3. Shri Sujit Kumar Mishra, the Senior Divisional Personnel Officer, Eastern Railway, Asansol.
4. Shri Ajit Kumar Lakra, the Station Manager, Kalubathan Station, District – Dhanbad.RESPONDENTS.

By Advocate :- Shri D.K.Sinha, Sr. Advocate assisted by Shri B.K.Sinha, ASC appearing for Shri Mukund Jee. SC.O R D E R [ORAL]

Shankar Prasad, M[A] :- Alleging non implementation of the orders passed in OA 483 of 2005, the applicant has preferred the instant contempt petition.

Para 7 & 8 of the order of the Tribunal are as under :-

“7. We, accordingly, quash and set aside the order dated 17th November, 2004 offering him the post of M.C.M. [Fitter] in the scale of Rs.5000-8000 and order dated 30th June, 2005 offering him the post of Primary Teacher, even in more lower grade.

8. We further direct the respondents to take action strictly in accordance with the Railway Board's circular on the subject. The arrears of salary, if not actually paid, shall be paid to the A

applicant within two months of the receipt of this order. In case the payment is not made within the aforesaid period, 9 per cent interest per annum shall be payable from the expiry of that date till the date of payment.”

2. The respondents filed a short reply on 16.05.2006 indicating therein that they have preferred a writ petition before the Hon'ble High Court and under the circumstances the contempt petition may be dropped. CWJC No. 6900 of 2007 was dismissed vide order dated 10.08.2007 [Annexure-2 to the compliance report dated 18.05.2009]. The respondents have at the time of hearing produced a copy of the letter dated 17.08.2007 issued by the DRM, Asansol relieving the applicant from the Division. It is stated therein that the above mentioned staff has been ordered for absorption as TGT [Arts] Hindi medium at High School under DRM, Maldah. A supplementary bill dated 30.04.2009 has also been enclosed to show that the payment of Rs.1,76,211/- has been made.

3. Shri J.K.Karn, learned counsel makes a grievance that the applicant has been paid only for 12 out of 32 months and the balance amount still remains to be paid.

4. We find from the above that immediately after the dismissal of the writ petition the respondents have passed an order complying with the order of the Tribunal as far as the posting is concerned. Some payment has also been made. We accordingly feel that there has been substantial compliance of the orders of the Tribunal. We, however, expect that the balance amount will be paid to the applicant within two months of the receipt of the order.

5. The contempt petition is disposed of accordingly. Notice to A.

alleged contemners is discharged. In case the orders are not complied within the aforesaid period it will be open to the applicant to revive this contempt petition by filing a Misc. Application. No costs.


[Sadhna Srivastava]/M[J]


[Shankar Prasad]/M[A]

skj.

