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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

C.P.NO.87/94

in

R.P.NO.77/93

in

M.A.NO.1173/93

in

O.A.NO.47/89

Between:

Date of Order: 23.2.95.

C.K.Kumaran

...Applicant.

And

1. Mr.Seshagiri Rao,
General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
2. Mr.Kalikavataram,
Chief Administrative Officer,
(Construction),
South Central Railway,
Secunderabad.

...Respondents.

Counsel for the Applicant : Mr.D.Goverdhanachary

Counsel for the Respondents : Mr.N.R.Devraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (J)

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

contd...

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C.P.87/94 in RP.77/93 in

MA.1173/93 in OA.47/89

Date of Order: 23.2.95

(As per Hon'ble Shri A.V.Haridasan, Member (Judl.))

This Contempt Petition arises out of the order in RP.77/93 in MA.1173/93 in OA.47/89. In the final order the respondents were directed to pay the applicants the same pay that he was drawing as on 31.1.89 till the date of his retirement with increments if any on that basis. The point involved was only denial of special pay to him for certain period. The original applicant has filed this Contempt Petition on the ground that the respondents have not fully complied with the judgement.

2. The respondents filed a reply affidavit stating that the special pay of Rs.125/- was paid to the applicant till 1.1.86 that his pay and pension have been re-fixed in accordance with the revised pay rules on ~~report~~ of the 4th Pay Commission and that his pension has already been revised. The respondents thus contend that the order has been fully complied with as there is no justification invoking the provisions of the Contempt of Courts Act against.

3. The applicant has filed a statement in which he has claimed that though the arrears of special pay and pay etc., has been given to him and though pension has been revised in the final order the respondents had not paid to the petitioner ADA on special pay as also the HRA for certain period.

156

4. Heard learned counsel for both the parties. Mr.N.R.Devraj, learned standing counsel for the respondents brought to our notice that no ADA is payable on special pay and that the claim of the applicant has therefore no legal basis. He further argued that the question of HRA cannot arise in this Contempt Petition because that was not a subject matter of the dispute in the OA or in the RP. Hence Mr.N.R.Devraj argued that there is no reason for taking action against the respondents under the Contempt of Courts Act.

5. After perusing the relevant material on record and hearing the counsel, we are convinced that the respondents have implemented the directions contained in the judgement. If the Original Applicant still feels that he got some other/subsisting claims, the same has to be agitated in an appropriate proceedings. As there is no willfull defiance of the order of the respondents we are convinced that it is not necessary to proceed against them, under the Contempt of Courts Act. The C.P. is therefore dismissed without any order as to costs.

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(A.B.GORTHI)
Member (Admn.)

HM
(A.V.HARIDASAN)
Member (Judl.)

Dated: 23rd February, 1995

(Dictated in Open Court)

Prabhakar
DEPUTY REGISTRAR(J)

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To

1. Mr.Seshagiri Rao, General Manager, South Central Railway, Railnilayam, Secunderabad.
2. Mr.Kalikavatharam, Chief Administrative Officer, (Construction) South Central Railway, Secunderabad.
3. One copy to Mr.D. Overdhanachary, Advocate, 1-1-80/20, II Floor, RTC X Road, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT,Hyderabad.
5. One copy to Library,CAT,Hyderabad.
6. One spare copy.

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