

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Contempt Petition No.141/2000
in
O.A. No.1083/99

Date: 26.6.2001

Between:

Sri M. Ananda Raj

.. Applicant

A N D

The Divisional Accounts Officer
(Broad Gauge)
South Central Railway,
Rail Nilayam,
Secunderabad.

.. Respondent

Counsel for the applicant : Mr. ^{K.} Siva
Counsel for the respondent : Mr. P.P. Vittal

Coram:

Hon. Shri M.V. Natarajan, Member (A)

Hon. Mrs. Bharati Ray, Member (J)

-: O R D E R :-

(Per Hon. Mrs. Bharati Ray, Member (J))

Applicant has filed this Contempt Petition
u/s. 17 of the Administrative Tribunals Act, 1985 read
with Sections 10 to 12 of the Contempt of Courts Act, 1971.

2. Applicant filed OA 1083/99 for release
of the amount that have not been taken into account
while computing the final settlement of GPF with
interest at the rate of 24% p.a. While disposing
of the OA, the Tribunal passed the following order
on 26-7-99.

"Respondent No.3 should conduct a meeting within two months from the date of receipt of a copy of this judgment calling the applicant to be present for deciding the above issue. During that meeting all the records pertinent to the PF account of the applicant while in service should be produced before the applicant and he also may produce his documents available with him and on that basis all records should be checked and verified in regard to the amount recovered for PF and also amount paid at the time of retirement. A consolidated note should be prepared. If the applicant is aggrieved he should be permitted to express his views and record a dissent note. If there is a dissent note, then the same should be put to the FA and CAO, South Central Railways, for his orders. If the applicant is still going to be aggrieved after the disposal of his case by the FA&CAO, he is at liberty to take such remedial measures available to him."

3. According to the applicant, consequent to the order passed by this Tribunal a meeting was held on 22-10-99 and some records were also made available to him. He further stated that certain records were not made available to him as they were not available. He issued a legal notice to the respondents duly marking copies of the same to the immediate controlling authority but no action has been taken thereafter. Therefore it is the contention of the applicant that there was a deliberate mistake on the part of respondents in settling his dues and

that amounts to wilfull disobedience of the order of the Tribunal, and calls for punishment u/s. 17 of the A.T. Act read with Sections 10 to 12 of the Contempt of Courts Act, 1971.

4. Respondents have filed their reply to the CP and submitted that they held a meeting on 22-10-99 and the applicant was shown all the PF records to the applicant, though the applicant vide letter dt. 6-9-99 sought to know only from 1987 onwards. PF ledger for the year 1988-89 could not be shown as the same is not traceable. The closing balance of 1987-88 and Opening Balance of 1989-90 were taken into consideration and the PF contribution/withdrawals were also calculated and shown to the applicant. The applicant showed the PF slip issued by this office which tallied with the calculations done for 1988-89. The applicant did not make any dissent note about the discrepancies now alleged. Therefore there is no wilfull disobedience or disrespect shown by the respondents towards the order of the Tribunal and CP is liable to be dismissed.

5. It is observed from the record that on 15-11-2000 when the matter came up before the Tribunal, Tribunal passed an order to the extent that "A second round of meeting may be held on 11-12-2000. The applicant shall record his note of dissent if any on the said date with reference

to the un-authenticated copies which have now made available to the counsel for the applicant." The matter again came up on 24-1-2001. It was observed by the Tribunal that "pursuant to the directions given on 15-11-2000 the department issued two notices directing the applicant to appear before them for reconciling the accounts and taking action in accordance with the decision given in OA 1083/99. The counsel for the applicant and the respondent submit that the applicant has changed his residence they are not in a position to contact him. " It is found that no further development took place after 24-1-2001 and counsel for the applicant submitted that the applicant is very sick.

6. We have heard the learned counsel for both the parties and have gone through the reply and other documents and we are of the view that there is no willful disobedience or disregard shown by the respondents to the order of the Tribunal. However, if the applicant so desired, may approach the department to sort out the matter.

7. Contempt Petition is dismissed.

No order as to costs.

Bharati R.
(BHARATI RAY)
Member (J)

MD

M.V. Natarajan
(M.V. NATARAJAN)
Member (A)

LL
26/2/01