

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Order : 6.4.95.

CP 44/94 (QA 1983/86)

DEVI SAHAI

... PETITIONER.

V/s.

SH. S.B. MATHUR & CRS.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. N.K. VERMA, MEMBER (A).

For the Applicant/petitioner ... SHRI K.KAMAL SINGH.

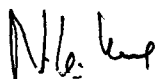
For the Respondents ... SHRI MANISH BHANDARI.


PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

This is a Contempt Petition filed by the petitioner, Devi Sahai, stating therein that due to the judgement rendered by a Division Bench of this Tribunal in TA 1983/86 on 5.10.93, by which the order dated 25.5.78, removing the petitioner from service, the enquiry officer's report dated 10/28.2.78 and the appellate authority's order dated 21.2.79 were set aside, the petitioner was not granted the consequential benefits in regard to his pay and allowances. While deciding the aforesaid TA, the respondents were granted the liberty to initiate fresh proceedings against the petitioner from the stage of holding enquiry 'ab-initio'. On the contrary, it is stated by the respondents that the petitioner has already been asked to make a declaration that he was not gainfully employed or was earning anything out of his own business during the intervening period, as required by the provisions contained in para 1344 of the Railway Establishment Code vide Annexure R-4. The petitioner has retired on 31.8.93, prior to the date of the decision of the aforesaid TA. However, the State Bank of Bikaner & Jaipur has already been instructed in regard to the disbursement of provisional pension to the petitioner and the Bank has been advised to make monthly payment of pension to the petitioner alongwith dearness relief thereon, as admissible under rules.

It has also been clearly stated that if the petitioner is exonerated finally of the charge against him, he would be granted the benefits of his entire service period. It has been admitted that till the disciplinary action is finalised, the petitioner is merely entitled to the suspension allowance for the intervening period, as per rules. The provisional pension is being disbursed to the petitioner.

2. In the facts and circumstances stated above, no case of dis-obedience much less wilful dis-obedience is made out against the respondents. This Contempt Petition is, therefore, dismissed.


(N.K. VERMA)
MEMBER (A)


(GOPAL PRISHNA)
MEMBER (J)