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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Date of order: 19-9-1996

CP No. 118/94 (OA No. 704/93)

Narain Hari

.. Petitioner

Versus

M. Ravindra and Anr.

.. Respondents

Mr. Shiv Kumar, counsel for the petitioner

Mr. Manish Bhandari, counsel for the respondents

CORAM:

Hon'ble Mr. O.P. Sharma, Administrative Member

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. O.P. Sharma, Administrative Member

In this Contempt Petition Shri Narain Hari has prayed that contempt of court proceedings may be launched against the respondents and they may be punished for not complying with the directions of the Tribunal given in the order passed on 17-3-1994 in OA No. 704/93, Narain Hari Vs. Union of India and Ors.

2. In this case the question was regarding payment of travelling allowance to the applicant for journeys undertaken to a destination beyond 8 Kms. from the Headquarters. Paragraphs 4 and 5 of the order dated 17-3-94 read as follows:

"4. Mr. Kaushik submitted that there is no direct route other than bus route and the bus route is about 15 Kms and not less than 8 Kms. Mr. Bhandari, on the other hand, submits that the railway track route is about 3½ Kms. whereas Mr. Kaushik submits that the railway track is 6½ Kms. Whatever is the distance but there is no dispute on this point that it is less than 8 Kms.

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5. Now, only the question which remains for consideration is whether the employees who are working on track can be allowed to claim the bus rates on the ground that the travel on the track is not safe particularly on the bridge. The second contention is that the respondents are having a practice of pick and choose and they are not entitled for the same. In the rejoinder, it was submitted that in September, 93, payment has been made to one Welu Laxman and he has produced it at Annexure-A5. This point was argued and Mr. Bhandari submitted that it was a mistake and directions have been given to the Assistant Engineer to explain. Some payments have also been made to other persons and the respondents admit that the mistake has been committed in that case also. There cannot be a case of discrimination. If the respondents feel that it is a mistake then they should recover the amount from the persons to whom it was paid. In case, the amount is not recovered then it will amount to discriminating one employee with the other employee. In that case, the applicant will be entitled for the payment of T.A. claims which are pending."

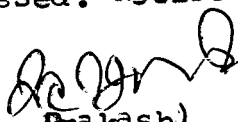
3. In the reply filed by the respondents, they have stated that payment erroneously made to other employees has already been recovered. The direction of the Tribunal was that either payment should be made to the applicant also and if it is erroneously made to other employees, it should be recovered from them also. Therefore, in their own way, the respondents have


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complied with the direction of the Tribunal.
No case of contempt is made out in the Contempt
Petition. The Contempt Petition is, therefore,
dismissed. Notices issued are discharged.


(Ratan Prakash)
Judicial Member


(O.P. Sharma)
Administrative Member