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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 20.7.1999

CP 8/96 (OA 196/93)

S.C.Saxena s/o Late Shri Prem Chand r/o MIG 120, Shaheed Nagar, Agra.

... Petitioner

Versus

1. Shri M.Ravindra, General Manager, Western Railway, Churchgate, Mumbai.
2. Mrs.Sunita Vedantnam, Dy.Chief Personnel Officer, GM Office, Western Railway, Churchgate, Mumbai.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Petitioner

... Mr.J.K.Dhingra

For the Respondents

... Mr.Manish Bhandari

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Petitioner, S.C.Saxena, has filed this Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985, praying therein that the respondents, by not making payment of the salary for the period from 8.2.93 to 26.2.93 within a period of three months from the date of receipt of a copy of the order passed in OA 196/93 on 19.10.94, have committed contempt of court.

2. We have heard the learned counsel for the parties and have carefully perused the records.


3. The contention of the petitioner is that he is a retired railway employee. He had retired from service on 30.6.93 and the respondents instead of adjusting an amount of Rs.4628/-, which was worked out as payable by way of salary for the aforesaid period of 18 days, adjusted the same against the outstanding dues amounting to Rs.34980/-. This action of the respondents, in the circumstances of the case, as contended by the learned counsel for the petitioner, is contemptuous and he has urged that this Tribunal should proceed further for contempt against the respondents. It is also contended that the petitioner is not a government servant after his retirement on 30.6.93 and the outstanding dues should have been written off in terms of G.I.,M.F.,O.M.No.18(9)-E.V-II(A)/59 dated 25.6.1959. The learned counsel for the respondents has produced communications dated 7.12.94 and 19.1.95, marked as Annexures R-1 and R-2 respectively, which indicate that pursuant to the order of the Tribunal passed in the OA, referred to above, the petitioner's salary for the period from 8.2.93 to 26.2.93 was worked out and payable amount

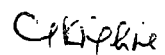
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came to Rs.4628/- and since the railway administration had to recover from the petitioner an amount of Rs.34980/- towards over payment for the period from 28.7.91 to 31.12.91 in addition to deductions towards rent, water charges, loan charges etc., as such the amount of Rs.4628/- was adjusted against the aforesaid government dues. If the amount of Rs.4628/- could not have been adjusted against the dues outstanding against the petitioner in the peculiar circumstances of this case and it has been wrongfully deducted from the aforesaid dues, the petitioner is free to file a fresh OA for the same. It was in compliance with the order of the Tribunal that the salary for the period in question was worked out and the same was adjusted against the dues recoverable from the petitioner. The action taken by the respondents cannot be said to be in disregard of the Tribunal's order and it does not amount to any wilful disobedience. We, therefore, find that no case of contempt has been made out against the respondents.

4. The Contempt Petition is dismissed. Notices issued are discharged.


(N.P.NAWANI)
ADM.MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK