

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR**

Jaipur, this the 13th day of April, 2005.

Contempt Petition No. 08/2005
In
OA No.555/2002

CORAM : Hon'ble Shri J.K. Kaushik, Judicial Member.
Hon'ble Shri A.K. Bhandari, Administrative Member.

Smt. Kazori Devi wife of Late Shri Ramnath aged about 45 years
woman Khalasi, IOW Western Central Railway, Kota Division, Kota.

.Applicant

By Advocate : Shri Pradeep Asthana

Vs.

1. Shri Deepak Kumar, General Manager, West Central Railway, Jabalpur.
2. Shri S.K. Sharma, DRM, West Central Railway, Kota.
3. Shri Rajesh Sharma, Senior Divisional Personnel Officer, West Central Railway, Kota.

Respondents.

By Advocate : Shri Anupam Agarwal

:ORDER :

By J.K. Kaushik, Judicial Member.

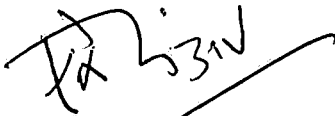
C.P. No. 08/2005 (555/2002) has been filed complaining the non-compliance of the order dated 15.07.2004 which came to be passed by this Bench of the Tribunal in O.A. No. 555/2002 in Kazori Devi Vs. UOI and Ors. Wherein the following directions were given:-

"After considering all the facts, I hold that the applicant is very much entitled for the family pension on the death of her husband w.e.f. 30.04.1994. The respondents are, therefore, directed to pay the family pension to the applicant as per her entitlement according to rules w.e.f. 30.04.1994 with arrears within two months from the date of receipt of a copy of this order."



2. At the very outset, the learned counsel for the respondents has brought to our notice that the Hon'ble High Court of Rajasthan in D.B.C Writ Petition No. 56/2005 has been pleased to pass an order dated 10.01.2005 wherein the operation of the aforesaid order has been stayed till further orders. He has further submitted in view of the aforesaid order, the C.P. does not survive. The learned counsel for the applicant submits that there is some ambiguity in the order inasmuch as the same is contrary to the observation of this bench of the Tribunal in Para 7 of the order and the applicant intends to move to the Hon'ble High Court of Rajasthan for the vacation of this stay order.

3. We have considered the rival submissions put forth on behalf of both the parties. Since the operation of the order passed by the Central Administrative Tribunal on 15.07.2004 has been stayed by the Hon'ble High Court of Rajasthan till the further orders, this C.P. does not survive and on this account, we are in agreement with the submissions made by the learned counsel for the respondents. Therefore, the C.P stands dismissed and notices issued earlier discharged. The applicant shall be at liberty to get the C.P. Revived in case he is so felt advised after the disposal of the Writ Petition pending before the Hon'ble High Court of Rajasthan. No orders as to costs.


(A.K. Bhandari)
Adm. Member


(J.K. Kaushik)
Judicial Member

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