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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 9.5.96.

CP 102/95 (OA 134/95)

Sarafat Ali

... Petitioner

Versus

Shri Ramesh Tripathi and another

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the Petitioner

... Mr. Shiv Kumar

For the Respondents

... Mr. Manish Bhandari

O R D E R

PER HON'BLE MR. O.P. SHARMA, MEMBER (A)

In this Contempt Petition, Shri Sarafat Ali has prayed that contempt of court proceedings may be launched against the respondents as they have failed to implement the order of the Tribunal passed on 27.3.95 in OA 134/95.

2. The direction of the Tribunal in OA 134/95 was that respondent No.3, namely Senior Divisional Mechanical Engineer, Western Railway, Jaipur Division, Jaipur, should dispose of the representation of the petitioner, filed at Ann.A-3 of the OA, on merits after having regard to the rule position within a period of two months from the date of receipt of a copy of the Tribunal's order. The order of the Tribunal, as stated above, is dated 27.3.95. With their reply the respondents have placed on record Ann.P-1, which is also dated 27.3.95. The respondents took stand that the communication dated 27.3.95 constituted disposal of the petitioner's representation dated 31.10.94. However, the petitioner's stand is that since the order of the Tribunal is dated 27.3.95, it cannot be that respondent No.3 could have disposed of the applicant's representation dated 31.10.94 (Ann.A-3 to the OA) also on the same date on which the Tribunal's order was passed. Thereafter, the respondents have sent another communication dated 22.5.95 to the petitioner, stating therein that subsistence allowance to the extent of 50% of the pay and allowances has already been paid to the petitioner during the period when he was under suspension and that no further amount is payable to him. The learned counsel for the petitioner states that this also does not constitute a proper disposal of the applicant's representation (Ann.A-3 to the OA) because once again therein there is a reference to the disposal of the applicant's representation of 27.3.95.

On,

3. We have carefully considered the matter. We are of the view that even if Ann.B-1, filed with the reply of the respondents to the Contempt Petition, is not a proper disposal of the petitioner's representation (Ann.A-3 to the OA), the communication dated 22.5.95 constitutes ~~not~~ disposal of the petitioner's representation even though a reference therein has been made to the earlier decision by the respondents taken on 27.3.95. In effect the respondents have stated that the petitioner has been paid 50% of the pay and allowances as subsistence allowance and that no further subsistence allowance is payable for the period during which the petitioner was under suspension. Our direction was simply for the disposal of the petitioner's representation dated 31.10.94 (Ann.A-3 to the OA). We are, therefore, of the view that the order of the Tribunal has been complied with. The contempt proceedings are, therefore, dropped. Notices issued are discharged.

(O.P. SHARMA)

MEMBER (A)

C.K.N.

(GOPAL KRISHNA)

VICE CHAIRMAN

VK