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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.P.No.114/95

Date of order: 21.5.1997

Manna Lal Jain

: Petitioner

Vs.

1. Shri M.Ravindra, General Manager, Western Railway, Churchgate, Bombay.

2. Shri Avtar Singh, Chief Commercial Manager, Western Railway, Churchgate, Bombay.

3. Shri Famesh Chandra Tripathi, Divisional Railway Manager, Western Railway, Jaipur.

...Respondents.

Mr.P.V.Calla : Counsel for petitioner

Mr.Manish Bhandari : Counsel for respondents

CORAM:

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

Hon'ble Mr.Patan Prakash, Judicial Member

PEF HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER.

In this Contempt Petition, Shri Manna Lal Jain has prayed that the respondents/contemners may be personally called upon to explain why they flouted the judgment passed by the Tribunal in O.A No.1/94 passed on 16.12.94, Manna Lal Jain Vs. Union of India & Ors. The petitioner has further prayed that the respondents/contemners may be directed to comply with the directions of the Tribunal properly as per rules. Since considerable time has passed, the contemners should also be suitably punished.

2. The respondents have filed their reply to the contempt petition with which they have annexed Annex.P1 dated 14.7.95 being the order regarding compliance with part of the directions of the Tribunal. Earlier by order dated 2.3.95, Annex.P3, appended by the petitioner to the CP, they had passed an order in complicity with another direction of the Tribunal. The respondents have claimed that they have fully complied with

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the directions of the Tribunal. The learned counsel for the petitioner, however states that order Anxx.R1 passed by the respondents on 14.7.95 is not in accordance with law whereas the directions of the Tribunal were that such order should be passed in accordance with law. Therefore, this order cannot be said to be in compliance with the directions of the Tribunal.

3. We have heard the learned counsel for the parties and have perused the record.

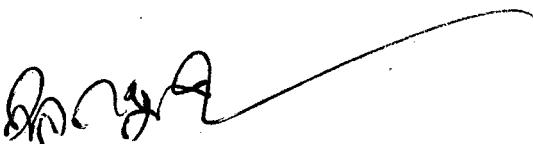
4. There were directions of the Tribunal on two aspects. One related to the grant of pay and allowances for the period from 16.5.88 to 6.1.93. Directions given in this regard were in para 2 of the order of the Tribunal whereby the respondents were directed to pass an appropriate order in accordance with law having regard to the fact that the order of compulsory retirement of the applicant had been set aside. As far as this direction is concerned, the respondents have passed Anxx.R1, whereby they have ordered that the petitioner shall be paid only 50% of the pay and allowances for the period between the compulsory retirement of the petitioner to his reinstatement, including the suspension period. The second part of the order of the Tribunal is as in para 3 thereof which directs that the period of absence from 1988 to 1993 shall be treated as qualifying period for the purpose of pension. There is no dispute that the direction given in para 3 of the Tribunal's order has been properly complied with. The dispute now remaining is only about the compliance with the direction given in para 2 of the Tribunal's order. We are of the view that since the respondents have passed an order in accordance with their understanding of law and the factual position of the case, the merits of the order Annexure E-1 in compliance with the directions of the Tribunal in para 2 of the order also cannot be challenged in the course of a Contempt Petition.

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5. In the circumstances, this Contempt Petition is dismissed. Notice issued is discharged.

6. If the applicant is still aggrieved by the order Anx.R1 dated 14.7.95, he may file a fresh O.A, if it is otherwise maintainable.


(Ratan Prakash)

Judicial Member.


(O.P. Sharma)

Administrative Member.