

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP 45/2003 (OA 159/98)

DATE OF ORDER: 19.1.2004

L.N. Khushalani son of Nathumal aged about 67 years, resident of 4-CHA-4, Housing Board, Shastri Nagar, Jaipur and Ex. DEN-I, Western Railway, Dahod.

.... Applicant

VERSUS

1. Shri S.M. Singla, General Manager, Western Railway, Churchgate, Mumbai.
2. Shri D.K. Jain, District Controller of Stores, Western Railway, Dahod (Gujarat).

.... Respondents.

Mr. Amit Mathur, Counsel for the applicant.

Mr. Madhukar Sharma, Proxy counsel for

Mr. S.S. Hassan, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed this Contempt Petition for the alleged violation of the order dated 22.4.2003 passed by this Tribunal in CP No. 101/2002 (OA No. 159/98) whereby this Tribunal on the basis of the undertaking given by the respondents' counsel ordered the payment of interest on the delayed payment of gratuity, if permissible under the extant rules within the period of two months from the date of passing of the order.

2. The respondents have filed the reply. In the reply, it has been stated that as per the Railway Board's instructions dated 15.9.1998, while communicating the displeasure note to a charged official, the charges/lapses on the part of the charged official should be clearly mentioned in the said displeasure note and simply a displeasure note should not be issued. In the present case also, while communicating the Government displeasure, the competent authority had clearly brought out that the charged official has been found guilty beyond doubt and warranted severe punishment. This fulfills the requirement as per the Board's circular mentioned above and

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in this view of the matter, the applicant is not entitled for any interest on DCRG.

3. We have heard the learned counsel for the parties.

4. Learned counsel for the applicant **submits** that permission may be granted to him to agitate by way of substantive OA with regard to the payment of interest on DCRG amount.

5. In view of this, the present CP does not survives. Liberty is granted to the applicant to agitate the matter by way of substantive OA. Accordingly, the CP is dismissed. Notices issued to the respondents are discharged.

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(A.K. BHANDARI)
MEMBER(A)

AHQ

[Signature]
(M.L. CHAUHAN)
MEMBER (J)