

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT COURT SITTING, GWALIOR**

**CONTEMPT PETITION NO. 40 of 2006 in**  
**ORIGINAL APPLICATION NO. 335 of 2005**

**Gwalior, this the 4<sup>th</sup> day of September, 2006**

**Hon'ble Dr.G.C.Srivastava – Vice Chairman**  
**Hon'ble Shri A.K.Gaur – Judicial Member**

S.R. Bade, Son of late Shri Bhagwant  
Rao Bade, Retired OS II from the office  
of the Deputy Chief Engineer (Construction),  
North Central Railway, Gwalior,  
Aged 63 ½ years, Resident of Palwe Ka  
Bada, Opposite Maujeshwar Mandir,  
MLB Road, Shinde Ki Chhawani,  
Lashkar, Gwalior.

**- Petitioner**

**(By Advocate – Shri D.P. Singh)**

**Versus**

1. Shri Buddha Prakash,  
The General Manager,  
North Central Railway,  
Nawab Yusoof Road,  
Near Valmiki School, Allahabad (UP).
2. Shri S.K. Malik,  
The Chief Administrative Officer  
(Construction), North Central Railway,  
Nawab Yusoof Road,  
Allahabad (UP).
3. Shri V.K. Gupta,  
The Chief Engineer (Construction),  
Coordination North Central Railway,  
Nawab Yusoof Road, Allahabad (UP).
4. Shri N.M. Misra,  
The F.A & CAO (Construction),  
DRM Office Building,  
North Central Railway,  
Nawab Yusoof Road,



Allahabad, UP.

5. Shri B.M. Saxena,  
The Deputy F.A. & CAT (Const.),  
Behind DRM office,  
North Central Railway, Jhansi.

- Respondents

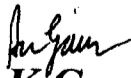
**ORDER (Oral)**

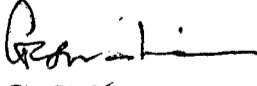
**By Dr. G.C. Srivastava, Vice Chairman –**

In Original Application No. 335 of 2005 this Tribunal vide its order dated 14.12.2005 directed the respondents to refund the amount recovered by them from the petitioner within two months from the date of receipt of a copy of this order.

2. It has been admitted by the learned counsel for the petitioner that the amount of Rs. 25,000/- which was with-held in pursuance of the impugned order by way of excess payment, has already been refunded to him. Now the submission of the learned counsel for the petitioner is that since the impugned order was quashed in toto, therefore, his pay has to be re-fixed for retirement benefits.

3. We have looked into the matter very carefully and we find that the impugned order was quashed and it was directed to the respondents to refund the amount recovered by them from the petitioner. The excess amount has already been refunded to the petitioner. Hence, we find that there is no willful disobedience of the order of this Tribunal. Accordingly, the Contempt Petition is dismissed. However, if the petitioner has any grievance regarding the relief given to him in pursuance of the order of this Tribunal in OA No. 335 of 2005 dated 14.12.2005, he can file a fresh OA, if he is so advised.

  
(A.K. Gaur)  
Judicial Member

  
(Dr. G.C. Srivastava)  
Vice Chairman

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