

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

CCP No. 330/00075/2014 in O.A. No.330/00286/2011

Reserved on 15.3.2018

Pronounced on 16.3.2018

Hon'ble Mr. Justice Dinesh Gupta, Member (J)
Hon'ble Mr. Gokul Chandra Pati, Member (A)

Shishir Kumar son of Sri Shambhu Prasad Sharma aged about 45 years resident of Diesel Shed Railway Crossing (in front of Hazi Bashir Ara Mill) Izzatnagar, District- Bareilly-243122.

..... Applicant

By Advocate : Applicant in Person

Versus

1. Sri K.K. Atal, General Manager, North Eastern Railway, Gorakhpur.
2. Shri Somesh Kumar, Additional Divisional Railway Manager, North Eastern Railway, Izzatnagar, Bareilly.
3. Shri Ashish Bhatia, Senior Divisional Commercial Manager, North Eastern Railway, Izzatnagar, Bareilly..

..... Respondents

By Advocate : Shri K.P.Singh

ORDER

Hon'ble Mr. Dinesh Gupta, Member (J):

This contempt petition is preferred by the applicant for non-compliance of order dated 30.8.2013 passed by this Tribunal in O.A. No. 286/2011 by which the Tribunal passed the following orders:-

“Consequently, the order dated 23.9.2010 whereby the penalty of compulsory retirement has been imposed on the applicant and the Appellate order dated 24.2.2011 are set aside. The respondents are directed to reinstate the applicant from the date of compulsory retirement with all

consequential benefits. In the event, if the respondents take decision to resume inquiry against Shri Dinesh Chandra Sharma on the earlier set of charges, they would be at liberty to take similar action against the applicant after providing them the necessary documents and also an opportunity to examine the defense witness. No costs."

2. Notices were issued to the respondents who in turn filed counter reply on 15.11.2014. Thereafter, applicant has also filed Rejoinder Reply.

3. Vide order dated 2.6.2015, respondents counsel seeks 6 weeks' time to ensure compliance relating to extending of consequential benefits to the applicant and he was granted time. Again on 26.8.2015, he was granted time for filing compliance affidavit, failing which respondent No. 3 shall appear in person on the next date of hearing.

4. Learned counsel for respondents filed 2nd Compliance Affidavit 7.3.2016 through which it is stated that in compliance of the further direction given by this Tribunal, the competent authority has passed the order dated 27.1.2015 and 28.1.2015 through which the applicant has been directed to join the duty without medical examination and further he has been issued Duty pass having No. 136718. The arrears have been calculated Rs. 12,72,459/- and the same have already been paid to the applicant after deducting income tax Rs.1,93,990/- in the month of July, 2015. The difference of the pay is upto February, 2015. The applicant has already been promoted

to the post of Commercial Supervisor in the pay scale of Rs. 9300-34800/- in grade pay Rs. 4200/- on 28.5.2004 from the date his juniors Km.Tasnim Aara Khan was promoted. As such respondents have complied with the order passed by this Tribunal on 30.8.2013.

5. Heard applicant present in person and learned counsel for respondents Sri K.P. Singh.

6. From the above, it is clear that the order passed by this Tribunal has already been complied with by the respondents and respondents have passed the orders dated 27.1.2015 and 28.1.2015 through which the applicant was directed to join the duty without medical and arrears have also been calculated Rs. 12,72,459/- and the same has already been paid to the applicant after deducting income tax Rs.1,93,990/- in the month of July, 2015. The applicant has already been promoted to the post of Commercial Supervisor in the pay scale of Rs. 9300-34800/- in grade pay Rs. 4200/- on 28.5.2004 from the date his juniors Km.Tasnim Aara Khan was promoted. As such, respondents have not willfully disobeyed the order passed by this Tribunal and substantially complied with the order passed by this Tribunal. Accordingly, CCP is dismissed. Notices are discharged. If the applicant is not satisfied with the order passed by the respondents relating to consequential benefit, he may approach the authority concerned for redressal of the same.

(Gokul Chandra Pati)
Member (A)

(Justice Dinesh Gupta)
Member (J)

HLS/-

