

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

**CONTEMPT PETITION (CIVIL) NO.170/00050/2019
IN
ORIGINAL APPLICATION NO.170/00880/2017**

DATED THIS THE 18TH DAY OF OCTOBER, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Shri Sharfuddin Khan Ghorl,
S/o Bashirulla Khan Ghorl,
Aged about 69 years,
Door No.4824/3, 2nd Cross,
Pension Block, Rajendranagar,
Mysore-570 007.

...Petitioner

(By Advocate Shri B.S. Venkatesh Kumar.)

Vs.

1. Shri R.K. Shukla,
General Manager,
South Western Railway,
Headquarters Office,
Hubli-580 020.

2. Shri R. Prasad S. Ichangimat,
Senior Divisional Personnel Officer,
Personnel Branch
South Western Railway,
Divisional Office,
Mysore-570 021.

...Respondents

(By Standing Counsel Shri N. Amaresh for Respondents)

O R D E R (ORAL)

HON'BLE DR.K.B.SURESH ...MEMBER(J)

Heard. Respondents produces a letter No. Y/P.353/OA-880/2017 dated 17.10.2019, which we quote:

SOUTH WESTERN RAILWAY

*Divisional Office,
Personnel Department,
Mysuru-570021,*

No.Y//P.353/OA-880/2017

Dated: 17.10.2019

*S.K. Ghori
No.4824/3, 2nd Cross,
Pension Block, Rajendra Nagar,
Mysuru-570 007.*

*Subject: For compliance of the Orders passed by the Central
Administrative Tribunal, Bangalore Bench in OA.No.
170/00880/2017.*

Ref: This office letter dated 27.09.2019.

.....

With reference to above, it was indicated in the order dated 08.01.2019 that "within the next two weeks the respondents will inform the quantum of DCRG that he is going to get and also the loss suffered by the railways which is apparently allegedly attributable to the applicant which is approximately Rs.1 lakh odd. Therefore, this Rs 1 lakh odd may be kept separate, but the rest of the amount may be released to the applicant on his furnishing a bank guarantee for the same amount". In this connection, a letter vide reference dated 27.09.2019 has been sent to you to furnish the bank guarantee for Rs 1,19,374/- as per the direction of the Hon'ble CAT. Now you have submitted a letter on 10.10.2019 indicating that you do not require the RELHS membership. Now the net DCRG amount payable is Rs. 1,39,304/-. Therefore, you are advised to submit the bank guarantee for Rs. 1,39,304/- immediately to this office as per the Hon'ble CAT orders to process further.

Matter may be treated as most urgent.

*-sd/-
(S. MANIKUMAR)
APO/I/MYS
FOR Sr. DPO/MYSORE*

2. The applicant also had filed a letter before the Senior Divisional Personnel Officer, Mysore Division dated 10.10.2019 apparently received on 10.10.2010, which we quote:

*S.K. Ghori
No.4824/3, 2nd Cross,
Pension Block, Rajendra Nagar,
Mysuru-570 007.
Mob: 9008528356*

To,

The Senior Divisional Personnel Officer,
Mysore Division
South Western Railway,
Mysore.

Respected Sir,

Sub: Payment of with held DCRG Amount.

Ref: 1. Orders of CAT/Bangalore Bench in OA.No.170/0088/2017.

2. Your letter No. Y/P.353/OA-880/2017 dated 27.09.2019
addressed to me it is most respectfully submitted as follows:-

As per the order of the CAT referred above within next two weeks I should be advised of the amount of DCRG I am going to get which was not done till date.

Further I may be informed of the amount of railway recovery and recovery for other sources from my DCRG amount. Kept with held I will submit the bank guarantee for Rs. 1,19,374.00 as soon as I receive the total amount of gratuity due to me and also deduction from the same towards railways dues and other dues other than railways. I do not require RELHS membership. Hence no deduction should be made from my gratuity amount towards RELHS. You may kindly supply also with the latest position of my railway cooperative bank.

Thanking you,

Date: 10.10.2019

Place: Mysore.

Yours faithfully,

-sd/-

(S.K. GHORI)

3. Apparently on 27.09.2019, the respondents have passed an order for furnishing a Bank guarantee, which we quote:

SOUTH WESTERN RAILWAY

Divisional Office,
Personnel Department,
Mysuru-570021,

No.Y//P.353/OA-880/2017

Dated: 27.09.2019

S.K. Ghorl
No.4824/3, 2nd Cross,
Pension Block, Rajendra Nagar,

Mysuru-570 007.

Subject: Orders of the Central Administrative Tribunal,
Bangalore Bench in OA.No.170/00880/2017.

.....

With reference to above, it was indicated in the order that “within the next two weeks the respondents will inform the quantum of DCRG that he is going to get and also the loss suffered by the railways which is apparently allegedly attributable to the applicant which is approximately Rs.1 lakh odd. Therefore, this Rs 1 lakh odd may be kept separate. But the rest of the amount may be released to the applicant on his furnishing a bank guarantee for the same amount”. Therefore, you are hereby advised to furnish the bank guarantee for Rs. 1,19,374/- immediately to this office as per the Hon’ble CAT orders to process further.

Matter may be treated as most urgent.

-sd/-

(S.M.SAHADEVAN)
DPO/MYS
FOR Sr. DPO/MYSORE

4. Therefore, we think that substantially the order has been complied with. On furnishing the Bank guarantee, the amount will be released to the applicant. Let him do so at his convenience. Within 2 weeks of doing so, the amount to be released. But we think that there is no need for the existence of this Contempt Petition.

5. Therefore, the Contempt Petition is dismissed, but with liberty. No costs.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in CP. No. 170/0050/2019

Annexure-C1: Copy of order dated 8.1.2019 in OA.No.880/2017.

Annexures with reply statement

Annexure-R1: Copy of the letter dated 19.08.2019.
