

13

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 381/2003
OA 1512/2002

New Delhi, this the 25th day of February, 2005

Hon'ble Mr. Justice M.A.Khan, Vice-Chairman (J)
Hon'ble Mr. S.A.Singh, Member (A)

S.D.Sharma
S/o Sh. Ram Prasad Sharma
R/o Sector 25, H.No.56, NOIDA
Distt. Ghaziabad (UP).

...Applicant

(By Advocate Sh. S.N.Anand)

V E R S U S

Sh. Rajender Kumar
Director of Education
Govt. of NCT of Delhi
Old Sectt, Delhi.

...Respondents

(By Advocate Sh. George Paracken)

O R D E R (ORAL)

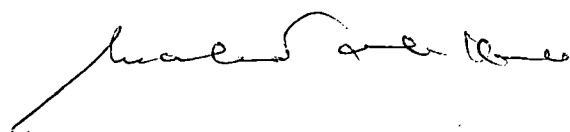
By Mr. Justice M.A.Khan,

Learned counsel for the applicant has pointed out that the respondents have already taken the decision about the payment of retiral benefits to the applicant vide its order dated 2.6.2004 which is at Annexure R-3 (Page 35 of the OA). Counsel for the applicant has stated that it is not clear whether the respondents have rightly or wrongly taken into consideration the qualifying service of the applicant in calculating the amount. It cannot be gone into these proceedings.

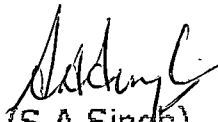
2. It should be borne in mind that the Tribunal vide order dated 5.6.2002 in OA 1512/2002 had passed the following order: -

"3. In this view of the matter, the OA is disposed of at the admission stage by directing the respondents to work out the retiral benefits of the applicant and to disburse the same to the applicant within a period of three months from the date of receipt of a copy of this order in accordance with the rules and instructions. The OA is disposed of accordingly. No costs.

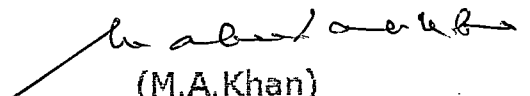
3. The order shows that it was passed at the preliminary stage of hearing and it was not decided on merit. Moreover, the respondents



were required to determine the amount of retiral benefits in accordance with the rules and instructions. Now the respondents say that they have calculated the amount in accordance with rules. Applicant is not satisfied. He is aggrieved. Therefore, proper course for him is to assail the order in substantive petition. Learned counsel for the applicant has stated that the applicant would like to challenge the order of the respondents in some other proceedings in accordance with law. It is not possible for this Tribunal to proceed in the matter under the Contempt of Courts Act. We accordingly discharge the notices and dismiss the Contempt Petition.


(S.A. Singh)
Member (A)

/vikas/


(M.A. Khan)
Vice-Chairman (J)