

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No.368 OF 2003
IN
O.A. No.1665 OF 2002

New Delhi, this the 6th day of November, 2003

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER
HON'BLE SHRI BHARAT BHUSHAN, JUDICIAL MEMBER

Shri N.P. Tewari
Ex.Addl. S.P.
CBI S.I.C.
Lucknow.

R/o J-870, Mandir Marg,
New Delhi-110001.

....Petitioner
(By Advocate : Shri Lalan Chaudhary)

Versus

1. Union of India,
Through -
The Secretary (Shri S.S. Dabra)
M/o Personnel, PG & Pensions,
Dept. of Personnel & Training,
North Block, New Delhi.

2. The Director,
(Shri P.C. Sharma)
Central Bureau of Investigation,
CGO Complex, Lodhi Road,
New Delhi.

....Respondents

ORDER (ORAL)

SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER :-

Heard Shri Lalan Chaudhary, learned counsel of the petitioner.

2. This Contempt Petition has been filed by the petitioner alleging non-compliance of the order dated 4.12.2002 in OA 1665/2002. This Tribunal while disposing of the OA had recorded as follows:-

"3. Learned counsel of the respondents filed a copy of order dated 24.10.2002 issued by the Department of Personnel and Training stating that impugned

Chaudhary

order dated 4.9.2001 has been withdrawn and the disciplinary proceedings against the applicant have been dropped. Learned counsel, on instructions, stated that all retiral dues of the applicant shall be paid to the applicant within a period of two months along with interest at the GPF rate of interest, which is payable on DCRG. According to the learned counsel of the applicant, this assurance of the respondents regarding payment of all retiral dues along with the admissible interest is acceptable to her."

3. The learned counsel of the petitioner further informs that after receipt of the order of the Tribunal, the petitioner has also made a representation dated 10.6.2003 (Annexure C-2) reminding the respondents to comply with the orders of this Tribunal. In spite of that, payment of interest as undertaken by the respondents has not been made so far. The learned counsel of the petitioner, therefore, states that the respondents should be punished for the contempt under Section 17 of the Administrative Tribunals Act, 1985 read with the Contempt of Courts Act, 1971.

4. After hearing the learned counsel and after perusal of the materials available on record, we are of the view that the interest of justice will be served at this stage without issuing notice to the respondents with the following directions:

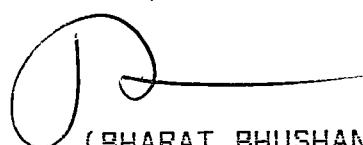
(i) The petitioner is directed to make a representation within a period of two weeks from today specifying the interest due to him in terms of the observations of this Tribunal as

C. B. Bagam

per rules. This representation should be made to respondent No.2 alongwith a copy of this order); and

(ii) In case the representation as aforesaid is made, the respondent no.2 is directed to dispose of the same by passing a speaking order. In case, the claim of the petitioner is as per rules, as admitted by the learned counsel representing the respondents during the course of the hearing of the Original Application, the admitted amount of interest should be paid within a period of one month from the date of receipt of a copy of the representation from the petitioner. In case, it is found that the claim of the petitioner is not in accordance with the rules and not in conformity with the observations of this Tribunal, the representation on that aspect should be disposed of by a reasoned and speaking order under intimation to the petitioner within a period of two months from the date of receipt of a copy of a representation from the petitioner.

5. In view of the directions in the preceding paragraph, this Contempt Petition is disposed of at the admission stage itself.



(BHARAT BHUSHAN)
JUDICIAL MEMBER



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

/ravi/