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Central Administrative Tribunal
Principal Bench: New Delhi

C.P. No. 16/2002 In
O.A. No. 762/2001

This the 30th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

Shri P.D. Sharma,
S/o Lt. Shri J.D. Sharma,
R/o 1690, Delhi Administration Flats,
Gulabi Bagh,
Delhi-110007

-Petitioner

(By Advocate: Shri M.K. Gupta)

Versus

Shri N. Diwakar,
Registrar of Co-operative Societies,
Govt. of NCT of Delhi,
Parliament Street,
New Delhi-110001.

-Respondent

(By Advocate: Shri Vijay Pandita)

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

Both learned counsel heard on CP-16/2002 in
OA-762/2001.

2. In the reply filed by the respondent, he has annexed a copy of the order of the Hon'ble High Court dated 9.1.2002 in CWP-156/2002 in respect of the same contempt petition filed before the Tribunal. Respondent has filed the CWP against the Tribunal's order on which it is seen that notice to the respondent, i.e., the applicant in the OA has been issued by the aforesaid order along with Rule D.B.

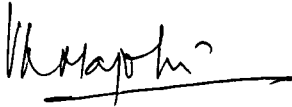
3. Shri M.K. Gupta, learned counsel has submitted that as per the aforesaid order of the Tribunal, directions have been given to respondent to


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refund an amount of Rs.29492/- to the applicant which have been recovered from his pay and allowances, which has not been done. He has submitted that the decision of the Hon'ble High Court may be further delayed as this case has not been listed till date for final hearing and, therefore, applicant is likely to lose interest if the amount is not refunded by the respondents. On the other hand, Shri Vijay Pandita, learned counsel has submitted that the same amount had been utilised by the applicant and the Government had not recovered any interest earlier and, therefore, he has submitted that there is no question of any directions for interest or for depositing the amount as submitted by Shri M.K. Gupta, learned counsel at this stage.

4. In the facts and circumstances and having regard particularly to the Hon'ble High Court's orders, we do not consider it appropriate or necessary to continue with CP-16/2002 as the parties will have to await the final decision of the High Court.

5. In the circumstances of the case, CP-16/2002 is dismissed. Notice issued to the alleged contemner is discharged. We are also of the considered view that having regard to the facts, at this stage no further directions can be given to the respondents with regard to interest on the aforesaid amount of refund.


(V.K. Majotra)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

cc.