

(Signature)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 258/2001
OA 1915/1999

New Delhi this the 20th day of November, 2001

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S.Tampi, Member (A)

Shri Balwinder Singh,
694, Bhai Parmanan Colony,
Delhi.

.. Petitioner
(By Advocate Shri Y.D. Nagar)

VERSUS

1. Shri P.S. Bhatnagar,
Chief Secretary,
Govt.of NCT of Delhi

2. Shri M.K.Mishra
Labour Commissioner-cum-Secretary,
Govt.of NCT of Delhi,15,Rajpur
Road, New Delhi.

.. Respondents

(By Advocate Shri Ajesh Luthra)

O R D E R (ORAL)

(Hon'ble Shri Govindan S.Tampi, Member (A))

Heard Shri Y.D.Nagar, learned counsel for the petitioner and Shri Ajesh Luthra, learned counsel for the respondents. In this Contempt Petitioner, the petitioner has alleged that the respondents have not properly complied with the order dated 10.11.2000 of the Tribunal in OA 1915/1999 and have thus acted in a contumacious manner, inviting contempt action.

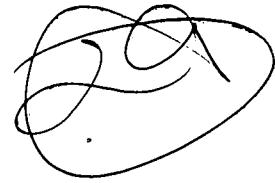
2. Para 8 of the order dated 10.11.2000 of the Tribunal, disobedience of which is alleged reads as below.

"In the above view of things we dispose of this application with the direction to the respondents to consider and settle the claim of the applicant for re-fixation of his pay and allowances in accordance with instructions relating to the adoption of the recommendations of the Fourth and Fifth Central Pay Commission with appropriate

replacement scales w.e.f. 1.1.1986 and 1.1.1996 and grant him the consequent pensionary benefits as well, but excluding from the computation of qualifying service for pension the three spells of unauthorised absence between 16.9.85 and 2.11.1985 and 25.4.1986 and 19.7.1986 and 23.1.1989 declared to be dies non by the Disciplinary Authority. This exercise shall be completed within 3 months from the date of receipt of the copy of this order."

3. Shri Nagar, learned counsel for the petitioner points out that the respondents have only granted them only a small amount which according to him represents a very meagre portion of his full entitlement. Shri Ajesh Luthra, learned counsel for the respondents on the other hand, argue that keeping in mind the order passed by the Tribunal dated 10.11.2000, respondents have already taken action and had effected full payment due to him. He also points out that the very order of the Tribunal dated 10.11.2000, the non-implementation which is raised in the CP has already been challenged by the applicant himself before the Delhi High Court and still he was on the other hand pressing for further reliefs, on the basis of the said order.

4. We have carefully considered the matter. From a perusal of the documents brought on record we are convinced that the respondents have given effect to order passed by the Tribunal, while disposing of the concerned OA. There has been, to our mind, no deliberate or contumacious disobedience of the Tribunal's order by the respondents which alone would justify any action under contempt proceedings. Accordingly



C.P. is dismissed, leaving it open to the petitioner to pursue his remedies, if so advised, in accordance with law if he feels that he has not received the full benefits. Notices issued to the alleged contemnors/respondents are discharged. File is ordered to be consigned to the record room.

(Govindan S. Tampli)
Member (A)

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(Smt. Lakshmi Swaminathan)
Vice Chairman (J)