

Central Administrative, Tribunal Principal Bench

C.P.No.635/2001 IN O.A.No.2762/1999

New Delhi this the 6th day of March, 2002


Hon'ble Smt. Lakshmi Swaminathan Vice Chairman (J)
Hon'ble Mr. M. P. Singh, Member (A)

Shri O.P. Talwar
S/o Shri Assa Nand
R/o H.No.22, Rajdhani Enclave,
Delhi-110034. .. Petitioner

(By Advocate : Shri S.K. Sawhney)

Versus

1. Shri S. Dasharathy
General Manager
Northern Railway,
Baroda House, New Delhi
New Delhi.
2. Shri A.P. Mishra
Divisional Railway Manager
Northern Railway,
Baroda House, New Delhi .. Respondents

(By Advocate Shri Rajeev Sharma)

ORDER (ORAL)

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

We have heard Shri S.K. Sawhney, learned counsel for the petitioner and Shri Rajeev Sharma, learned counsel for the respondents.

2. The first main ground taken by Shri S.K. Sawhney, learned counsel for the petitioner is that the respondents have not fully complied with the directions of the Tribunal contained in order dated 13.2.2001 in OA No.2762/1999, namely, 12% interest on provident fund which was due from 31.5.2000 and paid on 28.2.2002, has not been properly calculated and paid. His contention is that the interest amount has been paid only upto 31.5.2000 and not for the balance ^{of Rs} about two years. This position has been countered by Shri Rajeev Sharma learned counsel, who has submitted that the interest of

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Rs.17,826/- on provident fund has been calculated upto 28.2.2002. He has also submitted that he will show the relevant record to the learned counsel for the petitioner for his satisfaction. The second main ground taken by the learned counsel for the petitioner is the applicability of the Rules, the respondents are relying upon for the purpose of eligibility of computation of his pension.

3. We note that the Tribunal had ordered that the dues were to be settled and paid to him, in accordance with the rules and instructions and in the circumstances of the case, it cannot be held that the respondents have willfully and contumaciously disobeyed the Tribunal's order. The respondents have submitted that the petitioner had been asked to appear before the Medical Board for calculating the computation of pension which he has not done. Necessary formalities in this regard for completing the Medical Board Examination should be completed by both the parties as expeditiously as possible and in any case within a period of one month from the date of receipt of a copy of this order and the applicant should also fully cooperate as it is in his interest.

4. From the reply filed by the respondents to CP No.35/2001 and the submissions made by the learned counsel for the parties, we are satisfied that there is no justification to continue with this CP as there is no contumacious or wilful disobedience of Tribunal's order

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dated 13.2.2001 in OA No.2762/1999. In the circumstances, notices to the alleged contemnors are discharged and CP No.35/2001 is disposed of, in terms of the aforesaid directions. File be consigned to the record room.

m/sb
(M.P. Singh)
Member(A)

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

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