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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.62/2001
IN
O.A.NO.2423/99

Tuesday, this the 29th day of May, 2001

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Shri J.C.Gangwar
S/O Sh. B.S.Gangwar,
Aged about 41 years,
r/o Village: Bhatpura Jagir,
Dist:Bareilly (UP).

..Petitioner

(By Advocate: Shri S.S.Tiwari)

Versus

1. Sh. B.N.Som,
Secretary,
Dept. of Posts,
Ministry of Communications,
Dak Tar Bhawan,
New Delhi.

2. Sh. B.N. Som
Director General of Posts,
Dak Tar Bhawan,
Sansad Marg,
New Delhi.

..Respondents

(By Advocate: Shri A.K.Bhardwaj with Shri S.K. Sinha
PMG, Bareilly & Shri O.N.Awasthi, Supdt.
RMS, BL Dn. Bareilly)

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

We have heard Shri S.S.Tiwari, learned counsel for the petitioner and Shri A.K.Bhardwaj, learned counsel for the respondents with Shri S.K. Sinha, PMG, Bareilly and Shri O.N.Awasthi, Supdt. RMS, BL Dn. Bareilly.

2. Shri S.S.Tiwari, learned counsel has submitted that although now the respondents have given the due amounts to the petitioner, there has been delay on the part of the respondents in complying with the Tribunal's order dated 22.5.2000 in OA-2423/99. He has, therefore,

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prayed that either costs or interest may be granted in favour of the petitioner on the due amounts from 22.5.2000 till the date of actual payment. He has also very vehemently submitted that while the earlier reply had been filed by Shri B.N. Som, Secretary, Deptt. of Posts, Ministry of Communications, New Delhi, the later affidavit, as directed by the Tribunal's order dated 21.5.2001, has been filed by another officer, namely, Shri S.K. Sinha, PMG, Bareilly, who is also present in Court.

3. On the other hand, learned counsel for the respondents has submitted that the error committed by the respondents, namely, Shri O.N. Awasthi, Supdt. RMS, BL Dn. Bareilly in issuing the order dated 13.3.2001 has since been corrected and unconditional and sincere apology has been tendered by the respondents by way of the affidavit filed by a Senior Officer, like Shri S.K. Sinha, PMG, Bareilly. He has also submitted that the offending order dated 13.3.2001 has been modified and due payments have been made to the petitioner in full compliance of the Tribunal's order dated 22.5.2000. The respondents have also tendered their apology for the delay, stating that it was unavoidable because they had to consult the concerned Departments before making the payments to the petitioner, subject to the outcome of S.L.P. which they intend to file in the Hon'ble Supreme Court.

4. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.


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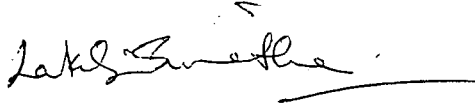
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5. Taking into account the facts and circumstances of the case and the affidavit filed by Shri S.K. Sinha, PMG, Bareilly, dated 28.5.2001 in pursuance of Tribunal's order dated 21.5.2001, we are satisfied that the respondents have now fully complied with the Tribunal's order dated 22.5.2000. We also note that Shri O.N.Awasthi, Supdt. RMS, BL Dn. Bareilly is also present in Court in compliance of the said order passed by us on 21.5.2001. The due amounts have also been paid to the petitioner in accordance with the Tribunal's order dated 22.5.2000 in OA-2423/99 which he has also received by letter dated 19.4.2001. In the facts and circumstances of the case, we find the apology submitted by the respondents in order, and accordingly accept the same but only with the observation that Shri O.N.Awasthi, Supdt. RMS, BL Dn. Bareilly should be more careful in future while implementing the Court's/Tribunal's orders.

6. In view of the above, CP-62/2001 is dismissed. Notices issued to the alleged contemnors are discharged. In the facts and circumstances of the case, the claim of the petitioner's counsel for costs and/or interest does not appear to be a reasonable and hence rejected. File be consigned to the record room.


(S.A.T. Rizvi)
Member (A)

/sunny/


(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)