

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI.

CP No. 249/96 in  
O.A. No. 2271/94  
T.A. No.

18

DATE OF DECISION 10.07.97.

Smt. Aruna Aghta & others Applicant(s)

Versus

Shri Ramesh Chandra Respondent(s)

(For Instructions)

1. Whether it be referred to the Reporter or not? YES
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO

  
(Dr. A. Vedavalli)  
Member (JY)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP-249/96 in  
OA-2271/94

(9)

New Delhi this the 10th day of July, 1997.

Hon'ble Mr. K. Muthukumar, Member (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

1. Smt. Aruna Mehta W/o Sh. R.K. Mehta,  
R/o No.68, Double Storey Buildings,  
Kalkaji, New Delhi.
  2. Smt. Santosh Behl, W/o Sh. G.K. Behl,  
R/o K.G. II/31, Vikas Puri,  
New Delhi.
  3. Smt. Gulshan Thapar W/o Shri Thapar,  
R/o GG-II/2C, Vikaspuri, New Delhi.
  4. Smt. Usha Tandon, W/o Sh. C.P. Tandon,  
R/o 13/2, West Patel Nagar,  
New Delhi.
  5. Smt. Sucheta Marwaha, W/o Sh. B.K. Marwaha,  
R/o AD/36, Tagore Garden,  
New Delhi.
- ...Petitioners

(By Advocate Shri S.M. Rattan Paul)

-Versus-

Shri Ramesh Chandra,  
Chairman,  
Central Water Commission,  
Sewa Bhawan, R.K. Puram,  
New Delhi.

...Respondent

(By Advocate Shri Madhav Panikar)

O R D E R  
(Hon'ble Dr. A. Vedavalli, Member (J))

The five petitioners in this contempt petition have alleged that the respondent Ramesh Chandra, Chairman, Central Water Commission has committed contempt of Court by violating blatantly the directions contained in this Tribunal's order dated 25.9.95 in OA-2271/94. They have prayed for initiation of contempt proceedings against the alleged contemner.

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2. The contempt petition is contested by the respondent on whose behalf a counter reply has been filed, wherein, inter alia, a prayer has been made for the dismissal of the contempt petition.

(20)

3. In OA-2271/94, the Tribunal had given the following directions:-

"The matter regarding finalisation of the benefits has been unduly delayed on the ground of the inter-departmental references. The delay is primarily because the entries are not complete of the period, during which they were working with Badarpur Thermal Power Station the correspondence between the Central Water Commission and the N.T.P.C. The entries in the B.T.P.S. relate to leave salary/pensionary contribution etc. These are not very difficult matters and should be sorted out quickly since these are all matters of record. If leave salary contribution and pension contribution etc. have not been remitted by the Badarpur Thermal Power Station and have remained with them in that case the amounts would be transferred to N.T.P.C. alongwith interest at the prescribed rates. The learned counsel for the applicants agrees that the respondents should be directed to sort out the same within a period of six months from the date of receipt of a certified copy of this order. If the applicants will have any grievance surviving to them, they are at liberty to approach this Tribunal for redressal of their grievances.

With these directions, the O.A. is disposed of but without any order as to costs."

4. While so, the petitioners submitted that the said judgement has become final, as no SLP or review against the same had been filed by the respondents in the OA. It was contended by the learned counsel for the petitioners that the respondents were given six months' time to sort out the matter and yet they have not finalised the same even after the expiry of the time given and they did not even seek extension of time from the Tribunal for

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complying with the directions of this Tribunal. Hence, it was contended that the alleged contemner (respondent No.2 in OA-2271/94) is guilty of contempt and appropriate contempt of court proceedings should be initiated against him. (21)

5. Respondent in their counter reply, which is stated to be compliance report also, has submitted that on examination of the cases of the petitioners in the light of the relevant rules they were granted terminal gratuity (vide PAO's letter dated 6.11.96 and calculation sheets at Annexures VII to XI) and they were requested to collect the relevant cheques issued by the P.A.O., Central Water Commission on account of their terminal benefits by C.W.C. memo dated 11.11.96 (Annexure XII).

6. The petitioners in their rejoinder have raised several objections regarding submissions made by the respondents in their counter-reply and have contended, inter alia, that they are not entitled for pro rata pension and other pensionary benefits for the period of their service with the C.W.C. They made a prayer for the grant of the said benefits. They have also reiterated their prayer in the contempt petition for initiation of contempt proceedings against the alleged contemner (respondent).

7. We have heard the learned counsel for the parties and have perused the pleadings and the material papers placed on record. We have considered the matter carefully. ✓

(22)

8. The petitioners in the CP have alleged that the respondent/contemner has committed contempt of court by blatantly violating the directions given by this Tribunal in its order dated 25.9.95 in OA-2271/94. However, they have not been able to spell out clearly or establish with supporting material as to how the alleged contemner has committed contempt by his deliberate non-compliance or wilful disobedience of the aforesaid directions of this Tribunal.

9. Hence, we are of the considered view in the facts and circumstances of this case that there is no justification for initiating contempt proceedings against the alleged contemner.

10. Re the objections raised by the petitioners in their rejoinder to the counter reply with reference to the orders issued by the respondents pursuant to the Tribunal's aforesaid directions regarding their terminal benefits we are of the opinion that if the petitioners are dissatisfied by the said order of the respondents that would be a fresh cause of action and the present contempt petition is not a proper remedy for seeking redressal of their grievances.

11. We are fortified in our above view by a recent decision of the Hon'ble Supreme Court in J.S. Parihar vs. Ganpat Duggal (JT 1996 (9) SC 608) wherein it was held thus:-



"Once there is an order passed by the Government on the basis of the directions issued by the Court there arises a fresh cause of action to seek redressal in an appropriate forum."

(23)

12. It was also further held by the Hon'ble Apex Court in the said judgment that the matter cannot be considered on merits as to the correctness of the order passed by Government or whether it is in conformity with the directions issued by the Court in contempt proceedings.

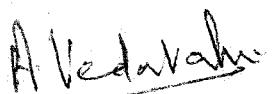
13. In the circumstances and in the light of the above legal position our interference is not warranted on the merits of the orders passed by the respondents in the present proceedings for contempt. In fact the petitioners (applicants in OA-2271/94) have already been given the liberty to approach this Tribunal for redressal of any surviving grievance regarding the finalisation of their benefits.

14. Before we part with this order we are constrained to observe that the contempt of the alleged contemner in not expressing even a whisper of explanation and regret for the delay in taking final action pursuant to this Tribunal's directions in the OA to say the least is very unbecoming on the part of a very senior officer of the Government. We hope that in future he would be more prompt and careful in carrying out the directions of this Tribunal.

*[Signature]*

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16. In view of the foregoing discussion, the contempt petition is rejected. Notice issued to the respondent is discharged.



(Dr. A. Vedavalli)  
Member (J)



(K. Muthukumar)  
Member (A)

'Sanju'