

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 33/1998

in

O.A. NO. 2353/1994

New Delhi this the 22nd day of April, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

I. S. Agarwal,
Manager (Vigilance),
Indian Railway Construction
Company Ltd.,
Palika Bhawan, Sec.XIII,
R. K. Puram,
New Delhi-110066.

... Applicant

(By Shri B. S. Mainee, Advocate)

-Versus-

1. Shri K. Bal Keshri,
General Manager,
Central Railway,
Mumbai C.S.T.
2. Shri K. K. Gupta,
Divisional Railway Manager,
Central Railway,
Jhansi.

... Respondents

(By Shri B. S. Jain, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

Learned counsel for the respondents submitted that the Tribunal's order dated 6.5.1997 in OA 2353/94 has been complied with. He submitted that relevant order fixing pro rata pension has been sent to the applicant's bank for collection of the applicant's pension, as per pro rata fixation of pension. Similarly, cheque has been sent to the applicant on 7.4.1998 against interest for the delayed payment as per directions made by the Tribunal.

For

2. The learned counsel for the applicant referred to the time specified for compliance in the Tribunal's order. He further pointed out that as per rejoinder filed by the applicant on 16.4.1998, no cash amount has been received by the applicant so far and, therefore, a case for contempt is made out.

3. Since there is no particular mode of execution as is provided under Order 21 of the Code of Civil Procedure for executing the decree, we entertain contempt petitions to ensure compliance with the orders made by the Tribunal. The compliance has been made though there appears to be a delay in compliance, but in view of Section 13 of the Contempt of Courts Act, 1971, it does not appear necessary to continue with these contempt proceedings or to punish the respondents because we are satisfied that the contempt is not of such a nature which can be said to be substantially interfering or tending substantially to interfere with the due course of justice. The order has been substantially complied with. Accordingly, the contempt petition is dismissed. Rule nisi shall stand discharged.

Km.

(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

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