

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P. No. 348/2000

IN

OA No. 1009/95

New Delhi: this the 16 day of MARCH, 2001.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J).

Retired SI Sri Niwas (Armourer)  
No. 10995/DAP, Village & PO,  
Dhandlam Distt. Jajjar, ..... Applicant  
(By Advocate: Mrs. A. Ahlawat)

Versus

1. Shri K. C. Diwedi,  
Dy. Commissioner (Licensing),  
MSO Building,  
IP Estate Police Hqs,  
Delhi.

2. Shri R. K. Sharma,  
Dy. Commissioner of Police,  
10th Battalion, DAP,  
Delhi (Pitampura).

3. Shri K. D. Singh,  
Dy. Commissioner of Police,  
Pitampura,  
9th Battalion DAP,  
Delhi.

..... Respondents.

(By Advocate: Shri Ajay Gupta)

ORDER

S. R. Adige, VC (A):

Heard both sides on C.P. No. 348/2000 alleging  
contumacious disobedience of the Tribunal's order dated  
8.9.99 in OA No. 1009/95.

2. In the C.P. it has been contended that non  
payment of arrears of pay and allowances and pensionary  
benefits constitutes contempt of the Tribunal's order  
dated 8.9.99 (supra).

2

14

3. By our order dated 9.1.2001, after hearing both sides, we had directed respondents to pass a detailed, speaking and reasoned order in respect of the aforesaid claims.

4. Respondents have passed the same vide order dated 13.2.2001 a copy of which is taken on record.

5. Applicant's counsel relies upon the Tribunal's order dated 16.2.2000 in C.P.No.323/99 arising out of OA No.1657/94 by which respondents had been directed to release arrears of pay and allowances in respect of that applicant, and states that the aforesaid case is on all force with the present one.

6. We are in contempt jurisdiction. Pursuant to our order dated 9.1.2001, respondents have passed a reasoned order on 13.2.2001. Applying the Hon'ble Supreme Court's ruling in J.S.Parihar Vs. G.Duggar & Ors. JT 1996(9) SC 608, the aforesaid order dated 13.2.2001 gives applicant a fresh cause of action, which applicant can challenge separately in accordance with law, if so advised, but would not amount to contempt of the Tribunal's order dated 8.9.99.

7. Giving applicant liberty as aforesaid, the CP is dropped. Notices discharged.

A. V. Veda Valli  
( DR. A. VEDAVALLI )  
MEMBER (J)

S. R. Adige  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

/ug/