

Central Administrative Tribunal
Principal Bench, New Delhi

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C.P. 356/97 with MA 2860/97
in
O.A. 2023/95

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New Delhi, this the 3rd day of June, 1998

Hon'ble Shri S.R. Adige, Vice-Chairman (A)
Hon'ble Shri T.N. Bhat, Member (J)

In the matter of:

Rama Nayak Tiwari
s/o Shri B.N. Tiwari,
E-1/52, Sector -16,
Rohini, New Delhi.

...Petitioner

(By Advocate: Shri G.D. Bhandari)

Versus

1. Shri A.V. Gokak,
Secretary,
Ministry of Communication,
Sanchar Bhawan, New Delhi.
2. Shri Mantek Singh Ahluwalia,
Secretary,
Ministry of Finance,
New Delhi.

...Respondents

(By Advocate: Shri Rajinder Dutt)

ORDER

By Hon'ble Shri T.N. Bhat, Member (J)-

This Contempt Petition (Civil) has been filed by Rama Nayak Tiwari who was the applicant in OA-2023/95. The O.A. was disposed of by the judgement/order dated 16.1.1997 by this Tribunal with the following directions to the respondents in the O.A. including the Union of India through the Secretary to Ministry of Communication, Sanchar Bhawan, New Delhi :-

"In the result, the application is allowed. Respondents are directed to grant the pay scale of Rs. 1400-2600 to the applicant w.e.f. 1.1.86 to 12.5.87 and the scale of Rs. 1640-2900 from 13.5.87 till 1.4.93 and to disburse to him consequential arrears within a period of two months from the date of receipt of a copy of this order."

2. Aggrieved by the inaction of the respondents in making payment of the difference of pay, allowances and other consequential benefits the petitioner has prayed for initiating contempt proceedings against the respondents.

3. The respondents initially contested the Contempt Petition on the ground that the claim was not founded on ~~the~~ ^{true} facts and that the petitioner had obtained the relief as a result of concealment of important facts. However, at the time when this matter was finally heard, the learned counsel for the respondents brought to our notice some relevant documents a perusal of which reveals that the judgement of the Tribunal has been substantially complied with. Revised pay fixation has been done in accordance with the directions of the Tribunal and the consequential payment of post retiral benefits has been made to the applicant. Although, there has admittedly been some delay on the part of the respondents but there appear to be valid reasons for the delay. At the time of filing the O.A. the applicant was no longer an employee of the respondents, as he had been permanently absorbed in the Videsh Sanchar Nigam Limited (VSNL). Another reason was that although admittedly the applicant could claim higher pay only till 1.1.1990 the judgement, by some oversight, allowed to him the benefit right upto 1.4.1993.

4. In view of the above facts, we do not consider it proper or necessary to proceed further in this Contempt matter. The proceedings are accordingly dropped and the notice is discharged. We, however, make it clear that if, according to the petitioner, the amount has not been correctly calculated by the respondents in the O.A., it shall be open to him to make a representation, wait for one month for the reply and, if not satisfied by the reply, or on non-receipt of the reply, to once again come to the Tribunal by

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way of original proceedings, if so advised.

5. With this order the Contempt Petition is disposed of. M.A. No. 2860/97 also stands disposed of. No costs.

T.N. Bhat
(T.N. Bhat)
Member(J)
3.6.98.

S.R. Adige
(S.R. Adige)
Vice-Chairman(B)

'Naresh'