

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH (29)

C.P. No. 113 of 1999 In
Original Application No.450 of 1997

New Delhi, this the 7th day of January, 2000

HON'BLE MR.S.R. ADIGE, VICE CHAIRMAN(A)
HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Sudhir Kumar Gaur
R/o R-106 Swarnalaya, Vani Vihar,
Uttam Nagar, New Delhi-110 059

-APPLICANT

(By Advocate: Shri M.L. Sharma)

Versus

1. Shri N. Rajagopalan,
Controller General (Defence Accounts),
R.K. Puram, West Block,
New Delhi-66.
2. Shri R.S. Khan,
Controller of Defence Accounts (Air Force)
R.K. Puram, West Block No.5,
New Delhi. -RESPONDENTS

(By Advocate: Shri N.S. Mehta)

O R D E R

By Hon'ble Mr.Kuldip Singh, Member (J)

The applicant, Sudhir Kumar Gaur had filed an OA (No.450 of 1997) levelling allegations for delay in payment of his retiral benefits and he had also a grievance about the actual date of his voluntary retirement. The OA was allowed and the following directions were given:-

"(i) I would, therefore, direct respondent No.2 to treat the applicant as voluntarily retired only from 14.8.1995, i.e., the date on which they have accepted the voluntary retirement in the file.....

(ii)....Thereafter the respondents shall commute the pension in accordance with law. His claim for commuted pension is delayed not because of his fault. All necessary formalities and established procedure shall be complied with in commuting his pension, treating his date of voluntary retirement as 14.8.1995. They shall also consider payment of all allowances which are due to him as a Government servant on the rolls like arrears of dearness, HRA and salary for the period till 14.8.94 in accordance with law.....

(iii) I direct payment of Rs.500/- to the

applicant by the respondents by way of cost".

2. The applicant now alleges that the directions have not been complied with and respondents have committed Contempt of Court and they be hauled up for contempt and be punished in accordance with law. It is stated that the respondents had not paid the following dues:-

(i) No cheque for commutation of pension has been issued to the petitioner and the commutation amount i.e. Rs.41,108/- has not yet been paid to the petitioner nor it has been credited in his nominated Bank Account No.15806 in the Bank of India, Vikas Puri, New Delhi.

(ii) Difference of pension amount viz. Rs.743/- p.m. fixed previously and now fixed at Rs.760/- p.m. for life, difference of gratuity amount viz. Rs.29580/- fixed previously and now fixed at Rs.49398/-, Bonus for 1993-94 and D.A. at Rs.136% w.e.f. 15.8.1995 have not been paid to the petitioner so far nor these have been credited in his nominated Bank Account so far although all the above dues have been worked out under letter No.G-1/Civil/DAT/Misc/5/98-VII dated 28.5.1998, copies of this letter, corrigendum are annexed as Annexure CP-4.

(iii) The respondents vide letter No.AN/II/310-Pen SKG dated 3.6.1998, copy annexed as Annexure CP-5 have sent the due drawn statement which is totally incorrect and illegal and the total liabilities have incorrectly been shown as Rs.17140/- which is also contradictory to the total liability of Rs.13308/- in the counter-reply dated 10.9.97 in the O.A.

Besides above, the amount of CCA has been accounted for the period from 1.11.1994 to 3.3.1995 and also the HRA amount has been counted for short period from 17.11.1994 to 3.3.1995 while the petitioner vacated the Govt. accommodation on 31.10.1994 as per certificate dated 11.11.1994 copy annexed as Annexure CP-6.

3. Respondents contested this petition and have pleaded that they have complied with the directions given by the Tribunal and they have not committed any contempt.

4. They further stated that comprehensive speaking order was passed by them vide Annexure R-1

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within time and that the directions were also issued to the concerned authorities for making various payments which had become due to the Government servant and specific order was also passed to make payment of cost.

5. It is also stated that special messenger was deputed to be sent to CCDA (P) Allahabad to get the revised PPO issued so as to avoid contempt of court vide letter dated 27.5.98. Revised pension was also issued within time. The Revised PPO was issued, a copy of which has also been placed on record.

6. We have heard the learned counsel for the parties and have gone through the records to see whether there is any deliberate/wilful disobedience on the part of the respondents in not complying with the directions given by this Tribunal.

7. From the material placed on record, we find that the respondents had issued R-1 which has also been relied upon by the applicant himself as he has also placed the same as Annexure CP-2 along with his Contempt Petition. This itself shows that the respondents had taken immediate steps to comply with the orders passed by the Tribunal.

8. During the course of the arguments, the learned counsel for the respondents also referred to a letter issued by the applicant's banker, i.e., Bank of India which is at Annexure R-6 and in their letter it is

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the banker who had referred that by oversight they had forgot to pay the commuted value of pension to the applicant and it is they who shall pay the commutation value of pension on the date of the issue of the letter and the amount will be credited to his account. So the counsel for the respondents submitted that it is the banker and not the respondents who had made delay and the amount had to be credited into his account directly by the Bank only.

9. Though the learned counsel for the applicant submitted that he has not received any cheque for the commuted value, but we think that this contention of the learned counsel for the applicant has no merit since payment directly into the account of the applicant is better than issuing a cheque to him.

10. Counsel for the respondents has also referred to Annexure R-X and submitted that according to R-X, after the due and drawn statement had been prepared it had been found that a sum of Rs.17410/- is due against the applicant on account of festival advance, arrears of Licence Fee, Electric and Water Charges, balance of scooter advance and interest thereon. He further submitted that nothing is due from the respondents to be paid to the applicant.

11. In view of the above, we find that the directions given by the Tribunal have been complied with substantially, and there is no wilful/deliberate

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disobedience on the part of the respondents, so the C.P. has no merits and is accordingly dismissed. Notices are discharged.

Kuldeep
(Kuldip Singh)
Member(J)

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(S.R. Adige)
Vice Chairman(A)