Central Administrative Tribunal Principal Bench: New Delhi

CP No. 171/99 In OA No. 2362/97

New Delhi this the 13th day of September 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J) Hon'ble Mrs. Shanta Shastry, Member (A)

- Smt. Aruna Mehta
   W/o Shri R.K. Mehta
   R/o A-68, Double Storey,
   Kalkaji, New Delhi-110019.
- Smt. Santosh Behl W/o Shri G.K. Behl R/o KG-II/31, Vikaspuri, New Delhi-110018.
- 3. Smt. Gulshan Thapar W/o Shri S.C. Thapar R/o GG-II/2C, Vikaspuri, New Delhi-110018.
- 4. Smt. Usha Tandon
  W/o Shri C.P. Tandon
  R/o 13/2 West Patel Nagar
  New Delhi-110008.
- 5. Smt. Sucheta Marwaha W/o Shri B.K. Marwaha R/o Ad/36, Tagore Garden New Delhi-110027.

...Petitioners

(By Advocate: Shri S.M. Ratanpaul)

Versus

Shri A.D. Mohile Chairman, Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi.

....Respondent

(By Advocate: Shri D.S. Mahendru)

## ORDER (Oral)

## By Reddy, J.-

Heard the counsel for the petitioners and the respondent.

CAR

(A)

2. While disposing of OA 2362/97 the Tribunal passed an order dated 3.4.98 the operative portion is as follows:-

the light of the above discussion, the OA is allowed. The respondents are , directed to calculate and pay the pension to arrears of of three applicants within a period months from the date of receipt of a of this order alongwith 12% interest from the date of due till the actual payment of such arrears. costs".

- The CP is filed complaining that by above order the direction is given to the respondents to pay the arrears of pension within a period of three months alongwith 12% interest. It is the case of the petitioners that the pension is paid alongwith 12% but gratuity though paid to not paid with interest It is contended by the learned counsel for interest. respondents that the petitioners are not entitled payment of interest as the gratuity has already been paid during November 1996 but the petitioners have refused to collect the said payment.
- In view of the averments made by the 4. respondents in the counter reply that the gratuity has already been paid during 1996 but the petitioners have refused to accept the same, the question of payment of interest dest for not arise. Learned counsel petitioners, however, disputes this assertion. However, in this C.P. it and be difficult for us to go into this question and hold that the order of the Tribunal been deliberately violated. As it is admitted that the pension alongwith gratuity was paid by the respondents alongwith 12% of interest on pensionary benefits, the

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only question that remains is whether the respondents deliberately violated not paying the interest on gratuity.

- 5. In view of the facts stated above, we are not statisfied that there is any violation of the order of the Tribunal.
- 6. If the petitioners are so advised, it is for them to seek necessary clarifications from the Reserved Member who disposed of the OA.
- 7. The Contempt Petition is, therefore, dismissed. Notice issued to the alleged contemner is discharged. No costs.

(Mrs. Shanta Shastry)
Member (A)

(V. Rajagopala Reddy) Vice-Chairman (J)

cc.