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Central Administrative Tribunal, Principal Bench

C.P. No.575/2001 IN

O.A. No.2904/1997

New Delhi this the 5th day of February, 2001

Hon'ble Mr. M. P. Singh, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

Mrs. Angela Fabian,
W/o Mr. Fabian Ekka,
H.No.A-45 B, DDA Flats,
Munirka, New Delhi.

- Applicant

(None present for the applicant)

Versus

1. Union of India Through its
Secretary, Shri A.R. Nanda,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi.
2. Mr. S.P. Agarwal,
The Director General of Health Services,
Nirman Bhawan,
New Delhi.

3. Dr. Jagdish Prasad,
The Medical Superintendent,
Safdarjung Hospital,
New Delhi-91.

- Respondents

(By Advocate : Shri S.K. Gupta)

ORDER (ORAL)

Hon'ble Mr. M.P. Singh, Member (A) :

None is present for the applicant even on the second call, we proceed to dispose of the present case in terms of the Rule 15 of CAT (Procedure) Rules, 1987 in absence of the applicant's counsel.

2. Heard learned counsel for the respondents.
3. The Tribunal vide its judgement dated 4.8.2000 in OA No.2904/1997 given the following directions:-

"7. However, having regard to the provisions of Section 21(2)(a) of the Administrative Tribunals Act, 1985, and the observations of the Hon'ble Supreme Court in the order dated 22.10.1997, the claim of the applicant for payment of arrears of the difference in the amount of pay and allowances in the salce of Rs.2000-3200/- is restricted to the period from 1.11.1982 till the date of her retirement i.e. 30.4.1994. This

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amount shall be paid to the applicant within a period of two months from the date of receipt of a copy of this order. Accordingly, the applicant shall also be entitled to revision in pensionary benefits, taking into account her revised pay as above at the time of her retirement. It is made clear that she will not, however, be entitled for any interest on these amounts. These amounts are granted in the particular facts and circumstances of the case, having regard to the order of the Apex Court dated 22.10.1997 and the judgement in M.R. Gupta Vs. UOI (1995 (5) Scale 29)."

4. Since the aforesaid directions given by the Tribunal were not implemented by the respondents, the applicant has filed the Contempt Petition being CP No.575/2001. Notices were issued to the respondents on 16.10.2001. The respondents have filed their affidavit on 28.11.2001. Tribunal vide order dated 18.12.2001, directed the respondents to place on record dues and drawn statement as to how the arrears have been calculated. Learned counsel for the respondents has furnished a copy of the due and drawn statement. He also submits that all the dues of the applicant in pursuance of the order have been paid to him and the revised PFO has been issued. Therefore, the present Contempt Petition no more survives.

5. In view of the fact that the orders of the Tribunal have been implemented by the respondents, the present Contempt Petition is dropped and the notices are discharged. In case the applicant still has any grievance, he can make a representation to the respondents.

S. Raju

(Shanker Raju)
Member (J)

M.P. Singh

(M.P. Singh)
Member (A)

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