

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.NO.62/2003 IN O.A.NO.1349/97

Monday, this the 10th day of February, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member (A)

Shri Raj Kumar Puri
s/o Late Shri Kishori Lal Puri
aged 72 years
r/o C-9/100, Yamuna Vihar
Delhi-53

..Petitioner

(By Advocate: Shri A.K. Behera)

Versus

1. Shri Rajinder Kumar
Director of Education
Govt. of NCT of Delhi
Old Secretariat
Delhi-54
2. Shri Daniel T.M.
AAO, Central District,
Jhandewalan
Plot No.5, New Delhi

..Respondents

ORDER (ORAL)

Shri Justice V.S. Aggarwal:

This Tribunal in OA-1349/97 had allowed the original application and operative part of the order reads:-

"13. ... in our view, having regard to the above reasons and discussions, it is only fit and proper to direct the respondents to (i) fix the pension and other pensionary benefits of the applicant treating the period between 23.4.65 and 2.3.70 as qualifying service and pay him consequential difference with interest @10% p.a. (ii) pay him interest @ 10% p.a. on the pension amount paid to the applicant in February 1994 from 1.1.91 to date of actual payment."

2. Perusal of the record reveals that subsequently, the applicant entered into a settlement/compromise with the respondents. He even had filed a Contempt Petition

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No.10/2002. A Bench of this Tribunal on 15.2.2002 had dismissed the Contempt Petition as withdrawn.

3. By virtue of the present application, the applicant makes a grievance that interests, despite the directions in OA-1349/97, have not been paid.

4. Perusal of the relevant facts, brief resuming of which has been given above, conclusively shows that the applicant voluntarily had entered into a settlement with the respondents. He had withdrawn the Contempt Petition without right to move the fresh petition in case the need arises. Once such is the situation, a fresh contempt will not be maintainable. Necessarily, the present petition must fail and is accordingly dismissed. But the applicant, if so advised, may take recourse under the law.

(Govindan S. Tampi)
Member (A)

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(V.S. Aggarwal)
Chairman