

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 78/1998

in

O.A. NO. 150/1997

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New Delhi this the 16th day of July, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Kundan Lal S/O Pt. Jugal Kishore,
R/O 48/43-A, Gali No.7,
Nai Basti, Anand Parbat,
New Delhi.

... Applicant

(By Shri J. L. Kalra, Advocate)

-Versus-

1. Ms. Jyotsna Diesh,
Post Master General,
Meghdoot Bhawan,
Jhandewalan, Link Road,
New Delhi-110055.

2. Shri Alok Pandey,
Sr. Suptd. of Post Offices,
Delhi, North Division,
Civil Lines,
Delhi-110054.

... Respondents

(By Shri K. C. D. Gangwani, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

Compliance report has been filed by the respondents. The learned counsel for the applicant submitted that he was going to file rejoinder during the course of the day and accordingly sought adjournment. We refused to adjourn the case on the ground urged by the learned counsel for the applicant.

After the contempt is brought to the notice of the

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Tribunal, the matter remains between the Tribunal and the contemner and, therefore, unless further assistance or documents are required by the Tribunal, the applicant cannot seek time for filing documents or further submissions.

2. The directions made in OA No. 150/97 were as follows :-

"In the result the O.A. succeeds and is allowed to this extent that respondents are directed, within two months of the date of receipt of a copy of this order, to pass appropriate orders in accordance with rules and instructions regarding the treatment of the suspension period from 5.11.80 to 27.3.91; the determination of applicant's salary as on 27.3.91 in the background of the orders so passed; as well as the consequential benefits including retirement benefits flowing from the same. Necessary payments admissible to applicant in terms of the orders so passed, should be released to him within three months from the date of those orders."

3. Compliance report in the form of an affidavit shows that the period of suspension of the applicant was ordered to be treated as non-duty for all purposes. Other relief granted was consequential in nature and as pointed out in paragraph 5 of the affidavit the pay of the applicant as on 27.3.1991 did not change and no arrear of pay or allowances could be worked out after the suspension period was treated as non-duty period. In other paragraphs of the affidavit, it has been stated that all other dues as admissible to the applicant have been either sent or

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sanctioned. We, therefore, find no case to continue with the present contempt proceedings. However, if the applicant feels aggrieved by the ultimate decision taken by the respondents, his remedy is to file a fresh petition challenging the said decision.

4. Subject to observations aforesaid, these contempt proceedings are dropped and the rule nisi is discharged.

Km

(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

/as/