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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

...  
CP.No.108 of 1998  
in  
OA.No.1347/1997

New Delhi, this 29th day of June, 1998.

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)  
HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

Pritam Singh  
C/2/304 Janakpuri  
New Delhi-58.

... Petitioner

By Advocate: Shri H. K. Gangwani

versus

Union of India, through

1. Shri S.P. Mehta  
General Manager  
Northern Railway  
Baroda House  
New Delhi.

2. Shri V. K. Vijh  
Chief Workshop Engineer  
Northern Railway  
Baroda House  
New Delhi.

3. Shri Ashish Sharma  
Deputy Chief Mechanical Engineer(W)  
Northern Rly. Mech. Workshop Amritsar  
Punjab.

... Respondents

By Advocate: Shri R. L. Dhawan

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, M(J)

We have heard Shri H.K. Gangwani, learned counsel for the petitioner and Shri R.L. Dhawan, learned counsel for respondents in CP.108/98 in OA.1347/97.

2. The learned counsel for the petitioner has alleged that the respondents have disobeyed the interim order of the Tribunal dated 17.6.97. The petitioner has challenged the order of compulsory

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retirement dated 1.4.96 in OA.1347/97 in which the interim order dated 17.6.97 has been passed. He submits that the respondents have been ordered to pay all arrears of pension from the date of the order of compulsory retirement, gratuity which means that it should be 100 % of the provisional pension and gratuity. He has drawn our attention to the Pension Payment Order issued by the respondents dated 10.2.97 in which it has been mentioned that "provisional pension is being paid". He submits that the amount included in the P.P.O. is only two-third of the pension due to the applicant and not the provisional pension as indicated in the order. He, however, fairly admits that in terms of the directions given in the interim order dated 17.6.97, the petitioner has received a copy of the order dated 7.10.96 and also two-third of the pension admissible to him. His grievance is that "provisional pension" means the entire pension and not two-thirds only of the pension.

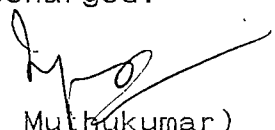
3. Shri R.L. Dhawan, learned counsel has submitted that the respondents have not committed any contempt. The respondents have stated in their reply that they have communicated the order dated 7.10.96 to the petitioner and they have also paid two-third of the pension admissible as sanctioned to the petitioner in terms of Railway Service (Pension) Rules, 1993. The learned counsel, therefore, submits that the respondents have fully complied with the interim order dated 17.6.97.

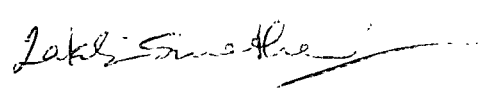
4. We have carefully considered the pleadings and the submissions made by the learned counsel for the

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parties. On a close perusal of the interim order dated 17.6.97, it is seen that at the end of para-1, the Tribunal has stated that "In this background of the matter, no order on interim relief is passed now." Thereafter a reference has been made to the order passed by the respondents dated 7.10.96 in which two-third of the pension and gratuity were directed to be paid to the applicant as admissible under the rules on compulsory retirement. w.e.f. 1.4.96. It is also seen that in terms of the order dated 7.10.96, the Tribunal had directed the respondents to pay the arrears of pension from the date of compulsory retirement. Shri H.K. Gangwani, learned counsel has submitted that in terms of the order dated 7.10.96, the petitioner has received two-third amount of pension. If this is so, we see no grounds to pursue this Contempt Petition any further as clearly the respondents have not committed any wilful or contumacious disobedience of the Tribunal's interim order dated 17.6.97.

5. In view of the above, CP.108/98 is rejected. Notices issued to the respondents are consequently discharged.

  
(K. Muthukumar)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Member(J)