

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Contempt Petition No 304/98

in  
Original Application No. 2275/96

New Delhi, this the 6th day of July, 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)  
Hon'ble Mr. S.P. Biswas, Member (A)

G.S. Mahey  
R/o 433/s-7, R.K. Puram,  
New Delhi.

...Petitioner

(Petitioner in person)

Versus

1. Union of India, through Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Joint Secretary (Trg) and Chief Administrative Officer, C-II, Hutmants, Ministry of Defence, New Delhi.

...Respondents

(By Advocate: Shri S.M. Arif)

ORDER (Oral)

By Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J):

Heard the petitioner in person and the counsel for the respondents.

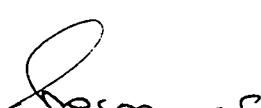
2. This Contempt Petition arises out of the order dated 8.5.97. The direction was given to step up the applicant's pay to that of drawn by his junior Shri Bhola as on 31.1.1995, then recalculate applicant's pension and other consequential benefits on the basis of stepped up pay and release the same to him within three months from the date of receipt of a copy of this judgement. In pursuance of the notice issued to the Joint Secretary (Trg) and Chief Administrative Officer, Ministry of Defence the respondents have filed the reply stating that the directions given by the Tribunal have

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been fully complied with. The applicant also admits that the directions are fully complied with. However the serious grievance made by the applicant is that there was in-ordinate delay in complying with the direction. Respondents explains the delay stating that he challenged the order of the Tribunal before the High Court and the High Court while admitting the Writ Petition granted stay of the operation of order. However, the writ petition was dismissed for default on 22.4.98. Consequently stay also got vacated. It is the case of the respondents that the learned counsel appearing for the respondents in the High Court has not informed about the fact of dismissal of the writ petition and they were under the impression of the writ petition was still pending and stay in their favour was still subsisting. On receipt of notice of the contempt application When the respondents enquired, they came to know that the writ petition was dismissed on 22.4.98 but since they were not aware of the dismissal of the writ petition and the vacation of the stay order, respondents submit that the delay in implementing the order was not deliberate. In the reply filed by the respondents, respondents also tendered unconditional and unqualified apology for the delay in implementing the order.

3. In view of the above facts and circumstances, accepting the apology tendered by the respondents, we dismiss the Contempt Petition. Notices issued to the alleged contemners are discharged.

  
(S.P. BISWAS)  
Member (A)

  
(V. RAJAGOPALA REDDY)  
Vice-Chairman (J)

cc.