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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

C.P. NO.155/95 in

O.A.NO. 1044/93

New Delhi, this the 16th day of November, 1995

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

Hon'ble Shri K. Muthukumar, Member (A)

Shri Edwin Samuel Mohanty,
Ex. Member Secretary,
R/o 273, Satya Nikatan,
New Delhi-21.

... Petitioner

(By Advocate Shri S.K. Sawhney)

Vs.

1. Shri A.N. Sinha,
General Manager,
South Eastern Railway Garden Reach,
Calcutta.

2. Shri K.K. Mitra,
Financial Advisor & CAO (Principal)
South Eastern Railway Garden Reach,
Calcutta.

... Respondents

(By Advocate: Shri H.K. Gangwani)

O R D E R (ORAL)

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

This Contempt Petition No.155/95 has been
filed by the original application in O.A.No.1044/93
which has been decided by the order dated 7.4.1994, for
non-compliance of that order. Shri Sawhney, learned
counsel for the applicant submits that the payment
of interest ordered in the judgement, which ought
to have been paid within three months from the date of
the order i.e. on or before 7.7.1994, has actually been

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received by the applicant on 7.9.1995 when the cheque was given to him. In the circumstances, he has pressed that cost may be allowed to the applicant for the delayed payment.

2. Shri Gangwani, learned counsel for the respondents submits that there has been no wilful delay by the respondents as they have taken action to comply with the judgement dated 7.4.1994 after consultation with the concerned Departments. He, therefore, submits that there is no case made out for awarding any cost in the matter.

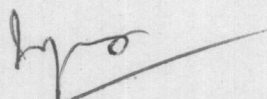
3. We have carefully considered the matter. The order dated 7.4.1994 had directed the respondents to pay interest @ 12% per annum to the applicant on the delayed amount of provisional pension which ought to have been paid expeditiously and preferably within a period of three months from the date of presentation of a certified copy of the order. Admittedly, the copy of the order was received by the respondents sometime in May 1994. It is also an admitted fact that the payment has been made by cheque dated 7.9.1995 i.e. five months after filing of this contempt petition. If the respondents had taken the action in time as per orders of the court, this unnecessary litigation of contempt petition could have been avoided.

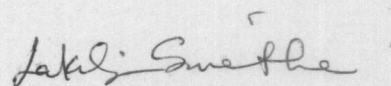
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In the circumstances, we find merit in the submissions made by the learned counsel for the applicant. It is also noted that the respondents had at no stage approached the Tribunal for extension of time for compliance of the Tribunal's order.

4. In the result, we are of the view that this is a case where the applicant is entitled to some compensation. Accordingly, cost of Rs.500/-(Rupees Five hundred only) is awarded to the applicant which shall be paid by the respondents within one month from ^{date of} receipt of this order.

5. Contempt notice issued to the respondents is discharged and case is consigned to the records.


(K. MUTHUKUMAR)
Member (A)


(SMT. LAKSHMI SWAMINATHAN)
Member (J)

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