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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

C.P. 177/2002 IN  
M.A. 1113/2002  
O.A. 2617/2000

Thursday, this the 4th day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Gurdyal Sharma  
S/O Sh. Bihari Lal Sharma  
R/O H-56, Mansrover Park  
Shahdara Delhi-32

..Applicant

(By Advocate: Shri V.K. Malhotra)

Versus

Sh. Gyanander Srivastav  
Director of Education  
Delhi Admn. Old Secretariat  
NCT Delhi

..Respondent

(By Advocate: Shri George Paracken)

O R D E R (ORAL)

Shri Justice Ashok Agarwal:

Non-observance of directions contained in the order passed by this Tribunal on 29.5.2001 in OA-2617/2000 has been made the basis of the present Contempt Petition. By the order, following directions have been issued:-

"8.. The respondents are directed to make arrangements for paying to the applicant without loss of time the amounts due in respect of leave encashment, commuted pension and CGIES. They may in accordance with the relevant rules and judicial pronouncements continue to withhold the amount of gratuity until the departmental/ criminal proceedings underway against him are finalized..."

2.. In compliance with the aforesaid order, applicant has already been paid leave encashment and CGIES; only ~~and~~ the amount which has been withheld so far is in respect



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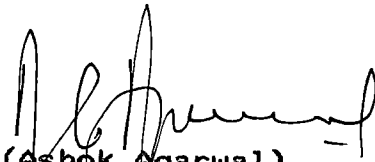
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of commuted pension. Present Contempt Petition alleges non-compliance in respect of the aforesaid payment of commuted pension. As far as the aforesaid component of retiral benefit~~s~~ is concerned, the proceedings in the Tribunal had been taken up on the hypothesis that departmental and criminal proceedings were underway against the applicant. Counsel for applicant has drawn our attention to the fact that applicant had already been exonerated in the departmental proceedings way-back on 1.1.2001. He, however, concedes that criminal proceedings are still pending against the applicant.

3. In view of the aforesaid position ~~and in view of the aforesaid order~~, no grievance can legitimately be made with regard to withholding of commuted pension in view of the pendency of criminal proceedings. Present Contempt Petition is, we find, in the circumstances, devoid of merit and the same is accordingly dismissed with no order as to costs.

  
(S.A.T. Rizvi)  
Member (A)

/sunil/

  
(Ashok Agarwal)  
Chairman