

Central Administrative Tribunal
Principal Bench

C.P No.550 of 2001
in
O.A. No. 2099 of 2000

New Delhi, dated this the 9 April, 2002.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

Manohar Lal,
S/o Shri Ram Phool,
R/o D-131, Vijay Colony,
New Usman Pur,
Delhi-53 ...Petitioner.
(By Advocate: Shri Amrit Bhalla)

Versus

1. Sh. Kosal Ram,
Secretary,
Ministry of Urban Development,
Government of India,
C-Wing, Nirman Bhawan,
New Delhi-110011.
2. Sh. J.L. Khushu,
Chief Engineer,
C.P.W.D.,
Sewa Bhawan,
R.K. Puram,
New Delhi-110066.
3. Sh. B.B. Bhatia,
Superintending Engineer,
Ghaziabad Central Circle,
CPWD-CGOI,
Hapur Road, Ghaziabad.
4. Sh. R.K. Nayek,
Shahdara Central Division,
C.P.W.D. 3rd Floor,
B-Wing, I.P. Bhawan,
New Delhi.
(By Advocate: Shri K.C.D. Gangwani)

ORDER

S.R. ADIGE, VC (A)

Heard both sides on CP No.550/2001.

2. Applicant asserts that he is entitled to a
sum of Rs.8383/- as interest on commuted pension
against which he has been paid Rs.1823/- and by not

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paying him the balance of Rs.6560/- respondents have committed contempt of court. In this connection, apart from para 9(ii) of this Tribunal's order dated 17.4.2001 in OA No.2099/2000, reliance is also placed on the Tribunal's order dated 4.1.2002 in the present CP.

3. On 20.3.2001 respondents had been directed to file an additional affidavit in respect of this surviving claim of applicant, which respondents have done on 8.3.2002 supported by a calculation statement, containing reasons why Rs.6560/- was recovered/deducted.

4. In the light of this aforesaid calculation statement and having regard to the Hon'ble Supreme Court's ruling in J.S.Parihar Vs. G.Duggar and Ors. JT 1996(9) SC 608 and also in CA No. 5089-90 of 1998 T Sudhakar Prasad Vs. State of A.P. and Ors. wherein it has been held that contempt proceedings cannot be used merely for executing court orders, there are no good reasons to continue these contempt proceedings any longer. If applicant is aggrieved by the non-payment of this surviving amount of Rs.6560/-, it is open to him to agitate his claim and penalty through appropriate original proceedings in accordance with law, if so advised.

5. Giving leave to applicant as aforesaid this CP is dropped. Notices discharged.

S. Raju
(Shanker Raju)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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