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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

CCP 49/87 in OA 174/86.

26.11.1987.

Shri Arun Kumar Datta Vs. Union of India

Applicant in person.

On behalf of the respondents Shri Dalip Singh,
counsel present.

Though not within the period specified by the
Tribunal, the order dated 20.8.1986 in OA 174/86
has been complied with. By that judgment, the
Tribunal had directed:

"the petitioner shall be granted terminal
retirement benefits for the period of his
service in the Railways, period of his
deputation in the Border Roads Development
Board and a period of two years of his service
till 28.3.1976 in the Hindustan Steelworks
Constructions Ltd. in terms of and as
admissible under the Railway Board's
circular letter No.E.(NG) 1172 AP/12 dated
2nd August, 1972 after deducting therefrom
the amount of service contributions payable
by the petitioner for a period of two years
from 29.3.74 to 28.3.76. The retirement
benefits after necessary adjustment shall
be settled within a period of four months
from the date of the receipt of this order."

It was also further directed that:

"the respondents Railway shall
thoroughly examine all the relevant
records and paybills in respect of the
petitioner for the period he served in the
Eastern Railway before joining the Border
Roads Development Board with a view to
determining the amount in his Provident

Long

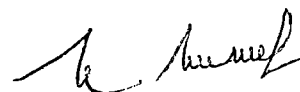
Fund Account and also releasing the same to him within a period of four months from the date of receipt of this order with upto date interest at the rates as prescribed for P.F. from year to year till the date of actual payment of the amount".

Respondents have filed a counter and have also given a cheque of Rs.883.75 towards DCRG before the Bench. From the counter it is evident that P.P.O. No.8755/120/PSB/O.Rly/460 dated 20.11.1987 has been issued calculating the period of service of the applicant as 18 years 1 month and 3 days. The applicant has no grievance in regard to the calculation of the period of service but the applicant states that pension has not been properly determined. He also claims to be entitled to Provident Fund and that has not been paid to him. He complains that he has not received the pension granted to him under P.P.O. dated 20.11.1987. The P.P.O. shows that the same has been addressed to the bankers of the applicant i.e. Allahabad Bank, 17, Parliament Street, New Delhi-110001, to be credited in his A/C No. SA 41178
100483.

This dispute now raised by the applicant relates to retirement benefits. So far as the order of the Tribunal dated 20.8.1986 is concerned, that has been complied with by the respondents by issuing the P.P.O. and issuing the cheque towards gratuity. If the applicant finds that pension and gratuity due to him has not been correctly calculated and paid, it is open to him to make a proper application under Section 19 of the Administrative Tribunals Act. If and when such an application is filed, that would

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be considered on its own merits in accordance with law. The applicant had served in different establishments. Material for calculating the pension, gratuity and Provident Fund had to be collected from the respective establishments which are not under a single Controlling Authority. The applicant is not in a position to give the Provident Fund Account Number or other particulars. If in these circumstances the order of Tribunal could not be complied with by the respondents within the specified period, that by itself cannot be termed as deliberate disobedience of the order so as to call for contempt proceedings. We do not think that in the circumstances any contempt proceedings are now warranted. The CCP is, therefore, dismissed. Notice of contempt discharged. Nothing said herein, however, affects the merits of the applicant's claim for higher pension, gratuity and Provident Fund.



(Kaushal Kumar)
Member.
26.11.1987.



(K. Madhava Reddy)
Chairman.
26.11.1987.

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