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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. No. 296/1994
O.A. No. 1643/1987
M.A. No. 3792/1994

New Delhi this the 28th Day of February 1995

Hon'ble Mr. Justice S.C. Mathur, Chairman
Hon'ble Mr. P.T. Thiruvengadam, Member (A)

Shri Hari Singh,
S/o Shri Nathu Ram,
R/o 64, Village Bhalaswa,
Jahangirpuri,
Delhi.

... Applicant

(By Advocate: Shri B.S. Charya)

Versus

1. Shri P.K. Roy,
Manager,
Government of India Press,
Minto Road,
New Delhi.

2. Shri H.A. Yadav,
Director of Printing,
Office of the Directorate of
Printing and Stationery,
Nirman Bhawan,
New Delhi.

... Respondents

(By Advocate: Shri M.K. Gupta)

ORDER (Oral)

Hon'ble Mr. Justice S.C. Mathur, Chairman

The applicant alleges disobedience by the respondents of the Tribunal's Judgment and Order dated 17.3.1993 passed in Original Application No. 1643/1987.

2. The applicant retired from service on 30.6.1980. On his retirement the sum of Rs. 12,573/- became payable as gratuity. This amount was withheld by the Administration as the applicant did not vacate the government accommodation which had been allotted to him. It appears that proceedings for eviction were initiated and on 25.9.1987, the Estate Officer assessed the sum of Rs. 8,989.10 as damages payable

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by the applicant for continued occupation of the government accommodation after retirement. The applicant was aggrieved by the withholding of his gratuity. He accordingly approached the Tribunal through the aforesaid Original Application. In the original application directions were issued in the following manner:

"The respondents are directed to pay the amount of gratuity to the applicant alongwith 10% interest, but this amount will be paid provided the applicant deposits a sum of Rs. 2,500/- and furnishes a bond before the officer concerned, that in case, more amount is assessed as damage, he will pay the said amount within a period of two months from the date of the order...."

3. In the reply filed on behalf of the respondents it has been stated that after deducting the sum of Rs. 8,989.10 from Rs. 12,573/- the sum of Rs. 2,584/- was paid to the applicant through Cheque dated 25.11.1987. Thereafter another sum of Rs. 9,115/- was paid through cheque dated 22.11.1984 which was received by the applicant in Court on 6.12.1984. This amount represents interest from 1.8.1980 till October, 1987.

4. The learned counsel for the applicant has submitted that the applicant was entitled to interest from 1.7.1980 till 25.11.1987 when the sum of Rs. 2,584/- was paid to the applicant.

5. We are unable to agree with the submission of the learned counsel. The specific direction in the judgement of the Tribunal was that the respondents will be obliged to make payment of gratuity together with

interest only after the applicant had deposited the sum of Rs. 2500/- and furnished bond before the concerned officer undertaking to pay the additional amount, if any, assessed against him on account of damages for continued occupation of the government accommodation. The learned counsel for the applicant, after taking instructions from the applicant who was present in person, admitted that neither the sum of Rs. 2500/- had been deposited by the applicant nor the bond referred to in the judgment of the Tribunal was furnished. In view of this admission, the respondents were not obliged to make payment of the gratuity. Still they have made the payment. They cannot be said to be in contempt.

6. In view of the above, the application is rejected. There shall, however, be no order as to costs. Notice is hereby discharged.

P. T. Thiruvengadam

(P.T. Thiruvengadam)
Member (A)

S. C. Mathur

(S.C. Mathur)
Chairman

Mittal