

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. CCP 138/90 199
T.A. No.

DATE OF DECISION 5.2.91


S.C. Kumar and others Petitioner
Shri R.P. Oberoi Advocate for the Petitioner(s)
Versus
UOI and others Respondent
Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. G. Sreedharan Nair, V.C.

The Hon'ble Mr. P.C. Jain, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ☒
2. To be referred to the Reporter or not ? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement ? ☒
4. Whether it needs to be circulated to other Benches of the Tribunal ? ☒


(G. Sreedharan Nair)
Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Registration No. CCP No.138 of 1990

Date of order 5.2.1991

S.C. Kumar and others .. Petitioners

- versus -

The Union of India and others.. Respondents

CORAM: Hon'ble Shri G.Sreedharan Nair, V.C.

Hon'ble Shri P.C. Jain, Member(A)

Counsel for the petitioners : Shri R.P. Oberoi.

For the respondents : None.

ORDER

Hon'ble Shri G.Sreedharan Nair, V.C.:-

The petitioners, who were the applicants in the original application, have filed this application for taking appropriate proceedings against the respondents for contempt of the Tribunal and also to direct the respondents to pay penal interest on the amounts due to the applicants. It is alleged that despite the representations submitted by the applicants for the grant of special pay, in accordance with the direction in the final order, respondents have not taken action.

2. The 3rd respondent has filed an affidavit by way of reply wherein it is stated that by the orders contained

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in the letter dated 24.9.1990 sanction for payment of special pay has been allowed and that the payment will be made within a month.

3. By the final order, the respondents were directed to proceed with the matter concerning the sanction of special pay, immediately, and take a final decision as expeditiously as possible, at any rate not later than two months from the date of receipt of copy of this order. It was submitted by counsel of the petitioners that the sanction for grant of special pay has not been allowed within the prescribed period. Further, it was stated by him that the petitioners are aggrieved by the quantum of the special pay that has been sanctioned.

On this premise he urged that the respondents have to be proceeded against for disobedience of the final order. We do not think that in the circumstances of the case, respondents have to be proceeded against as prayed for. It is not disputed that pursuant to the final order sanction for disbursement of special pay has already been issued. If the petitioners are aggrieved by the quantum of the special pay, the remedy open to them is to challenge the order by filing an original application. Indeed, an indication to that effect, was given in the final order, where it was pointed out that in case the petitioners are aggrieved by the decision or any part of it, it will be open to them to assail the same in an

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appropriate proceedings.

4. In view of the above, this petition is dismissed and the notice is discharged.

(P.C.Jain)
Member (A)

(G.Sreedharan Nair)
Vice-Chairman

C.MAHTO

5.2.91