

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.C.P. No. 112/90 in
O.A. No. 1583/88

Date of Decision : 30.9.1991

Gulam Farid ... Petitioner

Vs.

Union of India & Ors. ... Respondents

Shri G. D. Bhandari, Counsel for the Petitioner

Shri R. L. Dhawan, Counsel for the Respondents.

CORAM : HON'BLE SHRI G. SREEDHARAN NAIR, V.C. (J)

HON'BLE SHRI P. C. JAIN, MEMBER (A)

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O R D E R (ORAL)

Shri G. Sreedharan Nair, V.C. (J) :

Advocate, Mrs. Shashi Kiran has filed memo withdrawing her engagement. Advocate, Shri R. L. Dhawan enters appearance for all the respondents.

2. Pursuant to the notice issued, Shri U. R. Chopra, the second respondent is present before the Tribunal.

3. We have heard the second respondent. He is discharged.

4. Heard counsel on either side in respect of the petition for initiating action under the Contempt of Courts Act. The ground on which the petition has been filed is that the respondents have "morally and legally" not discharged their liability of settling the retirement dues of the petitioner in terms of the final order. In the reply filed by the respondents it is pointed out that since this is a case where the petitioner was removed from service

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and it was by the final order by this Tribunal that the penalty was modified to one of compulsory retirement, the matter had to be taken up with the Railway Board in respect of the direction for settlement of retirement benefits. It is also stated that after getting the instructions from the Railway Board Pension Payment Authority dated 28.2.1991 was issued to the petitioner, which is not disputed by him.

5. Shri G. D. Bhandari, counsel of the petitioner submitted that the D.C.R.G. due to the petitioner though sanctioned is being illegally withheld and as such there is a violation of the final order. In the reply filed by the respondents they have admitted that though the D.C.R.G. has been sanctioned it has not been paid to the applicant since he has not vacated the quarter allotted to him. In the nature of the case withholding of the gratuity cannot be a ground for initiating proceedings under the Contempt of Courts Act against the respondents, especially having regard to the direction in the final order that the petitioner will vacate the Government quarter allotted to him not later than 31.5.1989.

6. The petition is dismissed.

30-9-91
(P. C. Jain)
Member (A)

30-9-91
(G. Sreedharan Nair)
Vice Chairman (J)