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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

REGN. NO. CCP 18/91 in
OA-276/88

DATE OF DECISION: 19.12.91

JIWA RAM SINGH

... PETITIONER.

VERSUS

N.N. Vohra & Ors.

... RESPONDENTS.

ORDER

The complaint in this case is about the non-compliance with the judgement rendered by this Tribunal on 19.1.1989.

The direction in the said judgement is contained in the operative part of paragraph 4, which reads as follows:

"...Since the order by which the applicant was retired i.e. the order No. 16155/SK/DC-844/ADM (CIV) dated 6th March, 1985 clearly spells out that the applicant will be given full pension death-cum-retirement gratuity as admissible to him on the date of his compulsory retirement, we direct that that order, if has not yet been implemented, should be implemented within three months from the date of receipt of this order. We further direct that the applicant will be entitled to an interest at the rate of 12 per cent per annum on the outstanding amount till the date of payment from the date it became due. The application is disposed of with the above directions with no order as to costs".

There are two aspects which became clear from the directions issued by this Tribunal. The authorities have already passed an order in regard to the entitlement of the applicant to full pension and death-cum-retirement gratuity, but the order made by this Tribunal was not given in regard to interest.

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effect to. The effect of the first direction is to compel the authorities to implement their own order dated 6.3.1985. The second part of the direction is on the conduct of the authorities for not granting full pension and death-cum-retirement gratuity within a reasonable time, as there was delay in this behalf. They were directed to pay interest @ 12% per annum on the outstanding amount. The outstanding amount in this context is pension and death-cum-retirement gratuity, to which the order of authority dated 6.3.1985 relates.

The applicant came before this Tribunal under the Contempt of Courts Act complaining that the aforesaid directions have not been complied with. When the matter came up before the Bench, it was pointed out by the learned counsel for the respondents that an order had been made on 31.8.1991 in accordance with which the interest on gratuity had been paid to the petitioner. But, the Bench felt that there was nothing to show that interest on pension had been paid to the petitioner. Hence, the Respondent No. 2 was required to appear in person today to explain why action under Contempt of Courts Act be not initiated against him. That is how the matter comes up before us today.

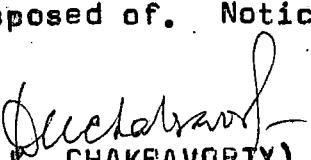
It is clear from the earlier order of the Tribunal that the Bench was satisfied that there was compliance with the judgement of the Tribunal except in regard to the payment of interest on pension, as there was no material placed before

the Tribunal to show that the interest on pension had been paid. The Respondent No. 2 was required to show cause.

When the matter was taken up today, our attention was drawn to the order passed by the office of the Chief C.D.A. (Pension) Allahabad regarding the payment of interest @ 12% on pension from 1.4.85 to 30.9.89. This, according to the counsel for the respondents, is due compliance. If the only compliance that survives for consideration was payment of interest of pension, now this having been paid, there will be full compliance. But it was pointed out by the learned counsel for the petitioner that some period which qualified for quantification of the pension has not been computed and the lower amount of pension has been fixed. This, according to the applicant, shows that the judgement of this Tribunal has been disobeyed. It is not possible to agree with this contention for the reasons that there is no adjudication as to the quantum of pension to which the applicant has become entitled to. There is also no adjudication by the Tribunal as to the length/qualifying period that should be taken into account for the purpose of computing the pension to which the applicant is entitled to. As already stated, the order of the Tribunal only says that the earlier order by the authorities be complied with. Attempt has been made to comply with the order by determining the pension payable and also the interest payable thereon, as directed. If the applicant has grievance in regard to the quantum of pension on the ground that certain period has unjustly not been included, that is not the matter

within the four corners of the contempt jurisdiction. The grievance, if any, of the applicant can certainly be adjudicated in accordance with the law.

Having regard to the fact that this is a person who has retired from service long back and the problem regarding his pension still lingers and having regard to the stand taken by the learned counsel for the petitioner that the quantum of pension is not proper, we are of the view that there has been undue delay and the respondents should take action expeditiously. Although the claim for the correct computation does not fall within the four corners of the contempt petition, in the interest of justice, we are inclined to direct, if the applicant makes a representation giving his reasons in support of his claim, the same shall be examined by the respondents within a period of 4 months from the date of receipt of such representation. The authority shall give objective consideration and communicate the decision to the applicant on their own. It is made clear if the grievance still subsists after such decision by the authorities, he is entitled to adjudicate his right in accordance with the law. The contempt petition stands disposed of. Notice is discharged.


(D.K. CHAKRAVORTY)
MEMBER(A)

SRD


(V.S. MALIMATH)
CHAIRMAN