

23.
29.4.1990

CCP 34/90 in Sunder Dass
OA 690/89 vs.
Union of India

Present : Shri S. R. Dwivedi, counsel for the
petitioner.

Shri H. K. Gangwani, counsel for the
respondents.

The counsel for the respondents gave to the petitioner a cheque of Rs.1576/- who was present in the court along with his counsel, the receipt of which is duly acknowledged. This amount represents the GPF amount including the interest thereon. The petitioner's counsel submits that this amount does not appear to be accurate and the petitioner is under the impression that some of the credits made by him appear not to have been taken credit to in the GPF account. If there are any omissions in that behalf, we make it clear that the petitioner can bring the same to the notice of the appropriate authorities and get the necessary credit made in his account. As and when the credits are made the amount due to the petitioner with interest will automatically be paid to him. We record that position here. As at present there is nothing more which survives for adjudication having regard to the material before us. So far as the payment of GPF is concerned, whatever amount is said to have been found due, has been tendered to the petitioner.

2. So far as the amount of Rs.188.00 which was directed to be paid to the petitioner on account of excess deduction of T&P items, alongwith interest at

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10% per annum from August, 1987, the stand taken by the respondents in the reply is that the said amount has been paid vide P.O. No. 453480 dated 8.6.1969 and C.O.7 No. 070556 dated 18.8.12989 and that the said payment has been received by the petitioner in presence of APO/Bills on 14.9.1989. The counsel for the petitioner is right in pointing out that the directions of the Tribunal have been issued in the judgment dated 14.2.1992 in this behalf. ~~in this behalf~~. Hence, the petitioner cannot call upon us under the Contempt of Courts Act to say that the said direction was ^{wrongly} issued in the original proceedings. Under the Contempt of Courts Act, we are entitled to ensure compliance of the directions issued by the Tribunal. The respondents can not be absolved until they comply with the directions of the Tribunal. As the respondents were bonafide under the impression that they do not owe any amount to the petitioner, by way of indulgence, we grant two weeks' time to the respondents to pay the same amount alongwith interest. Including interest we quantify the sum at Rs.300/- to be paid within two weeks from this date. If the said amount is not paid within two weeks, the petitioner will be entitled to be paid the said amount with further interest at the rate of 10% till the date of payment. The CCP is accordingly disposed of.

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Let a copy of this order be provided to the parties forthwith.

B. N. Dhole

(B. N. Dhoundiyal)
Member (A)

V. S. Malimath

(V. S. Malimath)
Chairman