

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

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Regn. No. CCP 110/90 in O.A. 1281/89.

DATE OF DECISION: 23 -11-1990.

C.B. Chugh Petitioner

V/s.

Union of India & Ors. .. Respondents.

CORAM: Hon'ble Mr. P.C. Jain, Member (A).
Hon'ble Mr. J.P. Sharma, Member (J).

Petitioner in person.
Respondents through Mrs. Raj Kumari Chopra, Advocate.

ORDER: (dictated by Hon'ble Mr. P.C. Jain, Member)

The applicant in O.A. 1281/89 has filed this CCP for alleged wilful disobedience of the order of the Tribunal in the judgement dated 10.1.90 in the O.A. *ibid*. The contention of the petitioner is that the payment made to him is neither according to the directions of the Tribunal in the aforesaid judgement, nor it was paid to him within the time allowed by the Tribunal.

2. The respondents have refuted both the above contentions and have also stated that the amount found due to the petitioner in pursuance of the above judgement was offered to him vide letter dated 20.7.90 (Annexure R-3), but he refused to accept the same vide his letter dated 24.7.90 (Annexure R-4). They have further stated that there was a little unavoidable delay in making the payment as the formation where the petitioner was serving at the relevant time is located at the height of about 11,000 feet, which is a high altitude area and due to inclement weather and snow-falls, even official mail is hampered.

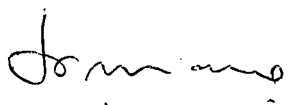
3. We have heard the petitioner who appeared in person as also the learned counsel for the respondents.

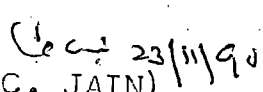
4. The petitioner had claimed in the O.A. an amount of Rs.769.44 on account of TA/DA and an amount of Rs.635.55 on account of HRA/CCA. He had also claimed interest at 10%

per annum on the above amounts. By the judgement dated 10.1.90, it was directed that Respondent No.2 shall ensure the settlement of the payment of the two claims of the applicant within a period of two months from the date of receipt of a copy of the order. Interest claimed by the applicant was disallowed. However, a cost of Rs.500/- was awarded in his favour.

5. The respondents found that the applicant was entitled to Rs.759/- (instead of a sum of Rs.769.44 claimed by him) on account of TA/DA and a sum of only Rs.454/- (instead of a sum of Rs.635.55 claimed by him) on account of HRA/CCA as advised by the competent audit authority. The reasons in this regard by the Audit, in their letter dated 15.6.1990 (Annexure R-1) show that the petitioner had claimed D.A. for 92 days, while he was entitled for only 90 days and hence the excess D.A. claimed had been disallowed. HRA / CCA had been claimed by the applicant for the entire period, while the same was not admissible for the first 90 days, for which he was allowed D.A. The above due amounts have been paid to the applicant and he has received the same. He has also received the amount of Rs.500/- on account of cost awarded to him. We, therefore, do not find any basis for the allegation that the respondents have wilfully not complied with the directions of the Tribunal.

6. In view of the above discussion, CCP is devoid of merit and is accordingly dismissed. Notice to the respondents is discharged.


(J.P. SHARMA)
Member(J)


(P.C. JAIN)
Member(A)