

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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CP-132/94 &
MA-1321/94 in
OA-759/90

New Delhi this the 2nd Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri S.K. Duggal,
R/o H.No.90, Sector-16,
Faridabad.

Petitioner

(Sh. B.L. Madhok, proxy counsel for Sh.B.S.Maineer)

versus

1. Shri G.K. Khare,
General Manager,
Central Railway,
Bombay VT.

2. Shri P.K. Dikshit,
Divisional Railway Manager,
Central Railway,
Bombay.

Respondents

(By advocate Shri H.K. Gangwani)

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman

It is not in dispute that a sum of Rs.29,117/- has been paid by the respondents to the petitioner and the petitioner has received the said amount. This payment has been made in compliance of the directions of this Tribunal which is the subject matter of the present contempt proceedings.

The learned proxy counsel for the petitioner has urged that the payment having not been made within a period of ten weeks from the date of receipt of a copy of the judgement of this Tribunal, the petitioner is entitled to interest at the rate of 12% per annum. The learned counsel for the respondents admits that the period of ten weeks expired on

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22.01.1991 from 4.10.1991, the date on which it is alleged by the respondents, they received a certified copy of the judgement of this Tribunal.

In the counter-affidavit filed, it is stated that a cheque dated 20.4.92 for a sum of Rs.22,11/- was sent to the petitioner at his proper address under registered post vide receipt No.1757 dated 20.4.92. However, the registered packet was returned undelivered. The learned proxy counsel has urged that we should ask the respondents to produce the original envelop bearing the alleged return of the registered packet.

We presume from the averments made in para 1 of the counter-affidavit that the registered letter must have been sent at the proper address. There is no explanation in fact forthcoming as to why the payment was not made between 23.12.91 and 20.4.1992. If the respondents having admitted promptly, they are liable to pay interest to the applicant at the rate of 10% per annum for the said period. The respondents shall, therefore, compute the payment to be made to the petitioner and make him the recovery power within a period of 14 weeks from the date of prohibition of a copy of the judgment by the petitioner before the Tribunal with a copy of the payment or not made as the case may be. The Tribunal shall be empowered to award costs to the petitioner in the event of the respondents failing to comply with the directions of the Tribunal.

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With these directions, this contempt
petition is disposed of finally.

Notices issued to the respondents are
discharged.

No costs.

B.N. Dhondiyal
(B.N. Dhondiyal)

Member(A)

S.K. Dhaon
(S.K. Dhaon)

Acting Chairman

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