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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP No. 150/98 in MA No. 1231/97 in OA 2239/90

New Delhi, this 17th day of December, 1998

Hon'ble Shri T.N. Bhat, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

Smt. R. Balamma
R-7/E-2, Raj Nagar
Ghaziabad (UP) . . . Petitioner
(By Shri B.B. Raval, Advocate)

Versus

1. Shri P.V. Jayakrishnan
Chief Secretary/Administration
Govt. of NCT of Delhi
Old Secretariat, Rajpur Road
Delhi-6
2. Smt. Satbir Silas
Director of Education
Govt. of NCT of Delhi, Delhi-6 . . . Respondents
(By Shri Vijay Pandita, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

This Contempt Petition has been filed by the petitioner since she alleges failure on the part of respondents to comply with the orders of this Tribunal in MA 1231/97 in OA 2231/90.

2. Orders dated 21.5.1997 in the aforesaid MA were

as under:

"Respondents are directed to ensure that necessary bills are prepared and sent before the close of each month so that actual payments are received by the applicant by the first week of every month"

3. The petitioner superannuated with effect from 30.6.1986 on attaining the age of 60 years as PG

Teacher/Delhi Administration. She had earlier filed an OA (No.2231/90) seeking directions to the respondents to pay her all the dues including retirement benefits as well as pension. She alleged respondents did not start paying pension for almost 12 years. This Tribunal gave a direction to the respondents to give her temporary pension @ Rs.500/- per month plus allowances. Petitioner alleges that it is this amount which is not being paid to her by the respondents regularly and hence she was compelled to file the present MA 1231/97 seeking issuance of directions for implementation of our orders dated 17.10.95 and 11.9.96. Petitioner alleges that despite orders of this Tribunal dated 21.5.97 aforementioned, respondents are very irregular and are not making the payments every month and sometime they make payments at a stretch. Because of this failure, petitioner has come with the charges of contempt having been committed by the respondents. Those charges are at page 11 of this CP.

4. We have heard the learned counsel for both the parties at length.

5. Respondents have submitted that the petitioner is now getting regular pension as per Pension Payment Order (PPO for short) drawn by the Pay & Accounts Officer No.II, Govt. of NCT of Delhi, R.K. Puram, New Delhi. Respondents have also submitted that all the pensionary benefits have been paid to the petitioner on 16.12.1997 and an

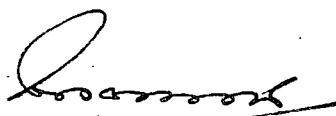
amount of Rs. 3687 deposited in her S.B. Ac. No. 93092/256 in SBI, R.K. Puram and nothing is due to her. Pension papers have also been submitted to the concerned PAO by letter dated 27.11.97. PAO-II appears to have finalised the case on 24.3.98 and has sent details to the Central Pension Office, Bhikaji Cama Place vide letter dated 6.4.98. As regards monthly pension, the same is being deposited in her S.B.Ac. in SBI, RK Puram, New Delhi. Statement of payments and receipts of amount deposited in the Bank account of the petitioner have also been annexed by the respondents. We find that the office of Principal, Govt. Boys Sr. Secondary School, Sector VII, R.K. Puram has sent a communication to the petitioner's address at Ghaziabad alongwith PPO dated 24.3.98. That fact that the amounts of pension are getting deposited in SBI, R.K. Puram in the SB Ac. of the petitioner is evident from Annexure 5 to the reply. Deposits slips as late as 17.11.97 are adduced as evidence by the respondents.

6. Learned counsel for the petitioner, on the contrary, submitted that regularity in the payments of monthly pension is lacking very badly and that sometimes amounts are being deposited in the SB Ac. of the petitioner at Syndicate Bank, R.K. Puram. He also alleges that respondents are responsible for not ensuring regularity in the payments of monthly pension in her account even though the ^{long before} details were given to the former counsel for the respondents Mrs. Ahlawat in the court itself.

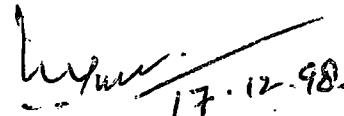
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6. A close scrutiny of materials placed before us as well oral submissions of the learned counsel for both parties indicate that there are possibilities of delays in transit as well as defects in the linkage of appropriate papers between the PAO and the petitioner's Bank. These are issues which cannot be sorted out by courts/Tribunals. We find substantial compliance of our orders and no deliberate attempt on the part of respondents in not following our orders.

7. Accordingly, the contempt petition is dismissed and notice is discharged. No costs.



(S.P. Biswas)
Member (A)


17.12.98.

(T.N. Bhat)
Member (J)

/gtv/