

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP No. 98/98 In  
OA No. 1510/91

New Delhi this the 6th day of January, 1999.

(b5)

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

Vinod Krishna Kaul, IPS (Retired)  
Resident of A-9 Pamposh Enclave,  
Greater Kailash-1,  
New Delhi-110048

...Petitioner

(Petitioner in Person)

Versus

1. Shri B.P. Singh, IAS  
Secretary to the Government of India  
Ministry of Home Affairs,  
Central Secretariat,  
North Block,  
New Delhi-1.

(By Advocate: Shri K.C.D. Gangwani)

2. Shri Arun Kumar, IAS  
Chief Secretary to the  
Government of Rajasthan State,  
The Secretariat, Jaipur. ....Respondents

(By Advocate: None)

ORDER

Hon'ble Mr. T.N. Bhat, Member (J)

The petitioner herein retired from Indian Police Service while holding the post of Director General, B.P.R.D., Ministry of Home Affairs, the post which carried a fixed pay of Rs.7600/- p.m. He filed an OA being OA No.1510/91 before this Tribunal assailing the action of the respondents superseding him from time to time and not granting to him promotion to the higher post/higher pay despite his extremely meritorious service career.

W.M. 6.1.99.

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2. The Tribunal by the judgement and order dated 7.10.97 allowed the OA to the extent of directing the respondents to fix the pay of the applicant in the pay scale of Rs.7600-8000 with effect from the date he assumed the charge of Director General. The petitioner was also held entitled to arrears of pay and allowances. Since he had, in the mean time, retired, the respondents were directed to refix the petitioner's retirement benefits accordingly and to pay the same to him with arrears. The respondents were allowed three months time from the date of receipt of a copy of that judgement to make payment to the applicant together with a statement of calculations.

3. It appears that the aforesaid judgement was not implemented within the stipulated time. The petitioner was accordingly compelled to approach this Tribunal by way of the present Contempt Petition.

4. On the date of last hearing on 21.12.98 we heard the petitioner in person as also Shri K.C.D. Gangwani, learned counsel for respondent No.1. None appeared for respondent No.2, namely, Chief Secretary to the Government of Rajasthan, Jaipur. The petitioner states that he has now received full payment but that this happened only in late October, 1998 when the respondents were directed to implement the judgement within three months from the date of receipt of a copy of the judgement. Thus, there has been a delay of a little less than nine months, the judgement having been pronounced on 7.10.97.

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5. On the question of delay the learned counsel for respondent No.1 has contended that so far as the Central Government, Ministry of Home Affairs was concerned, they performed their part of duty towards implementation of the judgement by promptly approaching the Appointments Committee of the Cabinet for granting concurrence to the Ministry's proposal of upgrading the posts of D.G. B.P.R. & D in compliance with the Tribunal's judgement and that the approval of the ACC was received on 6.1.98 and the necessary orders were issued on 9.1.98. A copy of the aforesaid order dated 9.1.98 was also promptly endorsed to the Government of Rajasthan for making payments to the petitioner in pursuance of that order. Thus, according to Shri K.C.D. Gangwani there has been no delay on the part of respondent No.1.

6. Respondent No.2 in his affidavit took the plea that the Contempt Petition against respondent No.2 is liable to be dismissed. Why it is so, has not been spelt out. All that is stated is that the Bureau of Police Research and Development (BPR&D), Government of India sent the revised calculation memo to Government of Rajasthan only on 21.2.98 whereafter the matter was sent by the Government of Rajasthan to Director of Pension, Rajasthan for revision of pension and payment of retirement benefits. The Directorate of Pension in its turn passed order dated 6.4.98 revised the pension of the petitioner. But admittedly there has been a delay of more than six months after the aforesaid date in making actual payment to the applicant.

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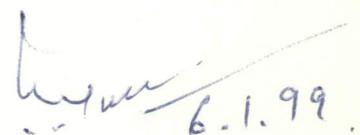
7. Respondent No.2 has not expressed any regret for the delay. We, however, notice that one Shri Kishan T. Punjab, working as Officer on Special Duty (Litigation) Department of Personnel, Government of Rajasthan has filed an additional affidavit on behalf of respondents wherein he has sought to explain the delay. We do not find much substance in the contention raised in the additional affidavit although it is sought to be made out that there has been no delay, "much less wilful delay", on the part of respondent No.2 in issuing the sanction order.

8. In view of what has been discussed above we find this case to be fit for awarding costs, which shall be payable by respondent No.2. We accordingly impose costs of Rs.1,000/- (Rupees one thousand only) upon respondent No.2, namely, Chief Secretary, Government of Rajasthan for making delay in implementing the judgement of the Tribunal. The costs shall be paid within two months from the date of receipt of a copy of this order, failing which the amount shall carry interest at the rate of 12% per annum till the date of actual payment.

9. With this order we dispose of the Contempt Petition.



(S.P. Biswas)  
Member (A)



T.N. Bhat  
Member (J)

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