

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP-194/96 in OA No.1635/1991

New Delhi, this 8th day of October, 1996

Hon'ble Shri A.V. Haridasan, Vice-chairman(J)
Hon'ble Shri K. Ramamoorthy, Member(A)

Shri M.D. Gupta
RU 884, Pritampura
New Delhi Applicant

(By Shri D.R. Gupta, Advocate)

vs.

Shri A.K. Batabayal
Chief Commissioner of Income-Tax(Admn.)
Central Revenue Building, IP Estate
New Delhi Respondent

(By Shri V.P. Uppal, Advocate)

ORDER(oral)

Shri A.V. Haridasan, VC(J)

This CR is arising out of the order passed in OA 1635/91 on 21.1.1996. The issue involved in the OA was allowing the applicant to cross EB and consequential benefits flowing out of it. The OA was disposed of with the following direction:

".....We, therefore, partly allow the application and direct that the applicant will be allowed to cross his EB w.e.f. 1.10.75 and his pay thereafter will be fixed in the revised pay scale and the respondents will complete this exercise and pay all the arrears to the applicant within a period of four months from the date of receipt of this order. There is no order as to costs."

2. Alleging non-compliance and stating that the respondent are violating the court's direction, the petitioner has moved this CP praying that action may be initiated against the respondent under Contempt of Court Act.

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3. On notice, the respondent has filed a statement alongwith the order in compliance of the Tribunal's direction in regard to crossing of EB and fixation of pay of the petitioner. Also cheque for Rs.97,214/- was ^{given} paid to the learned counsel for the petitioner in the open court on the last date of hearing. The respondent has stated that there has been some delay in implementing the direction of the Tribunal which was not intentional but caused in unavoidable circumstances and they have regretted the delay and prayed that no action under Contempt of Court Act may be initiated against them.

4. Learned counsel for the petitioner states that even though payment was made on the last date of hearing implementation of the direction contained in tribunal's order is not complete inasmuch as there are certain amounts more payable to the petitioner by the respondent and that unless and until the entire payment is made, it cannot be stated that the respondents have not disobeyed the order. We note that the direction contained in the order has been carried out by allowing the petitioner to cross EB, fix his pay and payment of arrears thereof. The matter regarding payment of certain other dues is ^{will not} not a matter which the tribunal can address itself in the proceedings under the Contempt of Court Act. We are therefore satisfied that no further action in this matter is called for. Therefore further proceedings in the contempt petition are dropped. The matter is closed and notice issued stands discharged.

(K. Ramamoorthy)
Member(A)

(A.V. Haridasan)
Vice-Chairman(J)

/gtv/