

Central Administrative Tribunal
Principal Bench, New Delhi.

CP-92/2006 in
OA-2576/2004

New Delhi this the 26th day of April, 2006.

Hon'ble Mr. Justice M.A. Khan, Vice-Chairman(JO)
Hon'ble Mrs. Chitra Chopra, Member(A)

Sh. Atam Dev Arora,
R/o BJ-II-35,
Shalimar Bagh,
Delhi.

..... Petitioner

(through Sh. B.S. Jain, Advocate)

Versus

1. Sh. A.V. Singh,
Secretary,
Ministry of Defence,
New Delhi.

2. Major General Daljit Singh,
Chief Engineer,
H.Q. Central Comman,
Lucknow.

..... Respondents

(through Sh. J.B. Mudgil, Advocate)

Order (oral)

Hon'ble Mr. Justice M.A. Khan, Vice-Chairman(J)

Vide order dated 1.11.2004 in OA-2576/2004 the Tribunal had
given the following directions:-

"3. The prayer as made by the learned counsel for the applicant has been considered and this O.A. is disposed of at the admission stage without issuing notices to the respondents with a direction to them to reconsider the case of the applicant in the light of the said decisions of the Hon'ble High Court, a copy of which is placed at page 74-79. It is also directed that a copy of this OA be made available to the respondents to enable them to give a proper consideration to the case treating the same as a representation of the applicant. The respondents shall ensure that the consideration of the matter is completed and decision conveyed to the applicant within a period of two months from the date of receipt of a copy of this order."

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2. The respondents issued an order dated 28.3.2005 in compliance with this order in which they have stated that they did not have the relevant record to decide the applicant's claim and asked for certain documents from the applicant to enable them to take a decision in the matter. The applicant thereafter filed CP-38/2005, which was disposed of by the Tribunal on 28.07.2005 by the following order:-

"3. In this view of the matter, we direct respondents to take effective steps where all the particulars of the Service Book of the applicant are incorporated and thereafter process the claim of the applicant for pro rata pension. Respondents are directed to pass a speaking and reasoned order within a period of three months from the date of communication of this order. On remaining aggrieved, the applicant shall be at liberty to take legal course."

3. Now the respondents have issued letter dated 21.10.2005 in which they have again stated that they did not have relevant document to establish the claim of the applicant for grant of pro rata pension and have requested to the applicant to submit authentic documents as mentioned in the letter dated 28.3.2005 for incorporating and processing the pro rata pension claim of the applicant.

4. The present application has been filed by the applicant for initiating proceedings under the Contempt of Courts Act, 1971 against the respondents complaining that the respondents have willfully disobeyed the order of this Tribunal. It is submitted by the learned counsel for the respondents that a reply to the show cause notice was filed on 21.4.2005 but the same is not on record. Learned counsel for the applicant stated that rejoinder thereto is also ready and will be filed in the Registry today. On this assurance that the rejoinder will be filed in the Registry by the applicant today itself, we have gone through the reply and rejoinder,

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copies of which have been produced by the learned counsel for the applicant. The Registry shall add the reply of respondents already filed and rejoinder to be filed by the applicant today itself to this file.

5. The applicant's claim for pro rata pension related to a period prior to 1964. The Tribunal had disposed of the Original Application and the Contempt Petition by the orders reproduced above. The reply of the respondents shows that they could not be said to be in contempt and that they have contumaciously and willfully disobeyed the order of the Tribunal. The applicant has absorbed in the ONGC in 1964. After retiring from ONGC service in 1985 the applicant made his claim for pro rata pension only in 2000. It is just possible that the respondents do not have the service record of the applicant after such a long period to enable them to take a decision in the matter. The applicant ought to have submitted the relevant material and affidavit etc. to enable the respondents to settle his claim. Tribunal while disposing the O.A. had directed the respondents to reconsider the case of the applicant and take a decision within a period of two months from the date of receipt of a copy of the order. The respondents issued letter calling upon the applicant to submit certain documents to decide his claim as relevant record was not available. They can be held to be in contempt only if there is willful or deliberate defiance of the Court's order. We do not find that the respondents committed contempt by issuing this letter.


6. Learned counsel for the applicant stated that the applicant being an old man, it is very difficult for him to challenge the present grievance in another O.A. He further stated that with the rejoinder he has enclosed

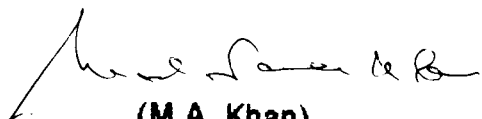


certain documents and copies of the orders passed similar cases and the respondents should take a decision on the basis of those documents.

7. The applicant indeed is an old man. We do hope that the respondents shall consider whatever material has been placed by the applicant by way of rejoinder, copy of which is said to have been supplied to the respondents today and settle the claim of the applicant at an early date.

8. With these observations, the present Contempt Petition is dismissed. Notices are discharged. It is without prejudice to the right of the applicant to seek his remedy against the order passed by the respondents in appropriate proceedings, in accordance with law.


(Chitra Chopra)
Member(A)


(M.A. Khan)
Vice-Chairman(J)