

10

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 127/2005
OA 1925/2004

New Delhi, this the 08th day of November, 2005

HON'BLE MR. M.P. SINGH, VICE-CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

Sh. Sikram S/o Sh. Suddhu
R/o C-398, Main Market,
Bhajanpura, Delhi-53.

.....Petitioner *Sh. Sikram*

(By Advocate Shri T.D. Yadav)

VERSUS

1. Sh. G.K. Marwah
The Development Commissioner
Govt. of NCT of Delhi
Under Hill Road, Delhi.

2. Sh. A.K. Sinha
The Conservator of Forests
Kamla Nehru College,
Delhi-37.

...Respondents.

(By Advocate Shri Ajesh Luthra)

ORDER (ORAL)


By Shri Mukesh Kumar Gupta, Member (J):-

Vide order dated 11.8.2004, OA 1925/2004 was disposed of at the admission stage itself with the following directions:-

"6. Having regard to the submissions made by the learned counsel for the applicant and also having perused the facts as submitted in this OA, this OA is disposed of at the admission stage itself with direction to the respondents to consider the matter relating to release of retiral benefits of the applicant as admissible under the relevant rules and instructions on the subject and to decide/dispose of the same on urgent basis. Appellant has also prayed for interest on delayed payment of the said benefits. The same may also be considered by the respondents as admissible under the rules. They are further directed to dispose of the matter in any case within three months from the date of receipt of a copy of this order."

2. Shri Ajesh Luthra, learned counsel appearing on behalf of respondents stated that the aforesaid directions stand complied with and the applicant has

been paid the following amounts on account of CGEIS, Gratuity, GPF, Leave Encashment and Pension.

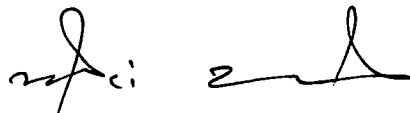
"Sr.No.	Retiral Benefits	Amount	Chq. No.	Date
1.	CGEIS :	Rs. 576/-	222623	20.12.2004
2.	Gratuity :	Rs. 17,288/-	570766	07.07.2005
3.	G.P.F.  :	Rs. 6224/-	220998	16.11.2004
4.	Leave Encashment :	Rs.3504/-	221021	17.11.2004
5.	Pension :	w.e.f. 01.09.1996 vide PPO No.670990500624 dated 12.7.2005."		

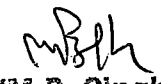
3. It is further stated that even interest on delayed payment, which at the relevant point of time was being examined has since been finalized and the communication was sent to applicant to collect the cheque, which remained undelivered. It is contended that the said cheque is available to be handed over to the applicant.

4. Shri T.D. Yadav, learned counsel appearing on behalf of applicant contends that since there has been a delay, which is abnormal and unexplained in making the payment, applicant is entitled to interest. The bare perusal of the order dated 11.8.2004 indeed goes to show that no such direction has been issued by this Tribunal for making the payment of interest and the only direction was that the respondents were to consider the matter and dispose of the same within a period of three months from the date of receipt of a copy of this order. No doubt, except for one item that is gratuity, the payments were made virtually in time. Hence there was no specific direction for payment of interest by the Tribunal in the aforesaid OA. The mere delay, if any, cannot account for Contempt under the provisions of Contempt of Court Act, 1971. Accordingly, we find no justification to grant any interest at this stage particularly when there was no specific direction by the Tribunal. The cheque bearing no.578621 dated

27.10.2005 issued by SBI, Old Secretariat has been handed over to the learned counsel for applicant in the Open Court. However, applicant would be at liberty to institute appropriate proceedings, if so advised as per law and rules.

5. In view of the above, CP is dismissed. Notices are discharged.


(Mukesh Kumar Gupta)
Member (J)


(M.P. Singh)
Vice-Chairman (A)

/gkk/