

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 358/2004 in
OA 1314/2004

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New Delhi, this the 2nd day of December, 2004

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

S.C.Soren
B-65, Sector-15
Noida.

(In person)

...Petitioner

V E R S U S

Lt. Gen. Ranjit Singh (SM)
Director General
Border Roads
Seema Sarak Bhawan
Ring Road, Delhi Cantt
New Delhi.

(By Advocate Sh. Rajender Nishchal)

...Respondents

O R D E R (ORAL)

By Hon'ble Mr. Justice M.A.Khan,

This Tribunal vide order dated 27-5-2004 in OA 1314/2004 had directed the respondents to consider the matter relating to payment of interest on detailed restoration of commuted portion of pension in the case of the applicant with reference to the relevant instructions as referred to by him in this OA and also the decisions of the Hon'ble Apex Court and other Courts in that regard and to issue an appropriate and reasoned order as per law within a period of two months from the date of receipt of a copy of the order.

2. The respondents in the counter has submitted that the said order has been duly complied with by issuing the orders of the respondents conveyed to the applicant vide letter dated 30-7-2004 (Annexure R-6) and that since the decision was taken only by one of the

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M.A.Khan

respondents, another order dated 15-10-2004 has also conveyed to the applicant. Applicant has admitted the receipt of copies of the two orders. His grievance, however, is that the second order was not passed within the stipulated period of two months. He also seeks liberty to seek appropriate legal remedy available under law against the order passed by the respondents.

3. Having regard to the above, we do not find that the respondents be held in contempt simply because that one of the respondents who was supposed to join other respondents in passing the common order had passed it separately after a lapse of one month. The first order was well within the time stipulated by the Tribunal. In the totality of facts and circumstances, we are of the considered view that the respondents have not willfully or contumaciously delayed the matter for which they should be held in contempt and punished under Contempt of Courts Act. Accordingly CP is dismissed. Notices issued to the respondents are discharged.

S.K.Naik
(S.K.Naik)
Member (A)

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

/vikas/