

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

CCP No.2/87 in
OA No.38/85.

14.9.1987.

Smt. Urmil Mahey Vs. Union of India and others.

Petitioner through Mrs. Avnish Ahlawat, counsel

Respondents through Shri Manoj Verma, counsel.

In this petition for initiating proceedings in contempt, vide our order 23.6.1987 we had given a chance to the Respondents to comply with the order of the Tribunal dated 5.5.86 within two months of the receipt of a copy of the order dated 23.6.1987. Within this period, the respondents have paid a sum of Rs.26,955.45, which according to their calculation was due to the petitioner. However, in arriving at that figure, the Respondents have treated the period commencing from 31.10.1983 to 14.11.1984 as leave applied for by the petitioner. While allowing the Original Application (OA 38/85) this Tribunal vide its order dated 5.5.1986 had directed that the petitioner "shall be reinstated in service and paid her salary and other allowances due to her as if she had not been removed from service". Admittedly, she was removed from service on 31.10.1983; she was, therefore, entitled to salary on reinstatement for the period commencing from 1.11.1983 to 14.11.1984 both days inclusive. The amount due for this period according to the respondents is Rs.11,654.05 for which amount the respondents have brought a cheque to be handed.

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over to the petitioner. Inasmuch as this Tribunal had directed that the petitioner shall be reinstated in service and given salary and other allowances due to her as if she had not been removed from service, she would be entitled to salary and allowances for this period as well. Respondents' action in denying her salary on the ground that she had applied for leave cannot be countenanced. When once her services were terminated, the question of granting her any leave cannot arise. Merely because the application for leave was not disposed off, the respondents having passed the order of termination of service cannot treat her to be on leave. The refusal to pay the salary and allowances is, therefore, untenable. The cheque of Rs.11,654.05 shall be handed over to the petitioner.

In the above circumstances, as at present, we do not think it necessary to initiate any proceedings in contempt. CCP is accordingly dismissed. The notice of contempt is discharged.

However, if any amount by way of salary, allowances increments or otherwise was due as per our judgment and the same is not paid to the petitioner she will be entitled to move the Tribunal for appropriate directions.



(Kaushal Kumar)

Member
14.9.1987.



(K. Madhava Reddy)

Chairman
14.9.1987.