

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP No.143/94 in OA No.1097/92

(X)

New Delhi this the 3rd day of August, 1994.

Mr. Justice S.K.Dhaon, Acting Chairman  
Mr. B.N.Dhondiyal, Member(A)

Shri Mithu Lal  
S/o Shri Radhu Ram  
R/o House No563,  
Arjun Nagar,  
Gurgaon.

... Vs.

PETITIONER

BY ADVOCATE SH.A.K.BHARDWAJ

1. Shri K.P.Nambiyar  
The Secretary of Ministry of Defence  
South Block, New Delhi.
2. Lt.Gen.Jagdish Narain  
Engineer in Chief,  
Army Head Quarters  
Kashmir House,  
New Delhi.
3. Maj.General S.C.Kashyap,  
G.O.C, Delhi Area  
Delhi Cantt. Delhi.
4. Shri A.K.Sawhney,  
Chief Engineer, Delhi Zone  
Delhi Cantt, Delhi.
5. Shri P.S.Bajaj  
Officer Commanding  
Engineers, Store Depot  
Delhi Cantt.Delhi.....

RESPONDENTS

BY ADVOCATE SH.V.S.R.KRISHNA.

ORDER(ORAL)

JUSTICE S.K.DHAON:

On 19.2.1993, this Tribunal while disposing of OA No. 1097/92, from which the present contempt petition arises, directed the respondents to pay to the petitioner full pay and allowances between 13.8.1981 and 19.6.1991. This direction was to be carried out within a period of four months. On 9.7.1993, upon an application made by the respondents to the OA, <sup>the Tribunal</sup> extended the period for complying with the direction upto 30.9.1993.

2. In the present petition, the complaint is that the aforesaid direction has not been complied with.

3. A counter-affidavit has been filed on behalf of the respondents. The petitioner was granted time twice to file a rejoinder-affidavit. However, no such ~~an~~ affidavit has been filed. In the absence of any counter-affidavit, the averments made in the counter-

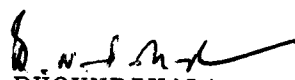
affidavit are to be treated as correct.


4. The material averments in the counter-affidavit are these. On 1.10.1993, a sum of Rs.1,81,718 was paid in full to the petitioner. While computing the payment, arrears of pay and allowances in the new scale of pay and consequential increments had been taken into account. The claim of arrears of bonus to the tune of Rs.9,266/- was paid to the petitioner on 1.7.1994. Since there was no direction to pay any interest, no interest has been paid.

5. Shri A.K.Bhardwaj, learned counsel for the petitioner, has strenuously contended that the respondents should have filed along with the counter-affidavit, the details of the amount paid to the petitioner. The original record has been shown to the learned counsel for the petitioner. But he has not been able to point out any defect in the calculations. We, therefore, proceed on the assumption that the sum of Rs.1,81,718 which has been really paid to the petitioner, has been correctly computed. No ground exists for continuing these proceedings.

6. This CP is rejected. Notices issued to the respondents are discharged.

7. There shall be no order as to costs.

  
(B.N.DHOUNDIYAL)  
MEMBER(A)

  
(S.K.DHAON)  
ACTING CHAIRMAN

SNS