

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

CP 305/94 in OA No.795/1992

New Delhi, this 18th day of April, 1995

Justice Shri S.C.Mathur, Hon'ble Chairman
Shri P.T.Thiruvengadam, Hon'ble Member(A)

Shri Om Prakash Sharma
Qr. T-1, Railway Colony
Delhi Sarai Rohilla

.. Applicant

By Advocates Shri G.D. Bhandari

versus

1. Shri Masih-uz-Zaman
General Manager, Northern Railway
Baroda House, New Delhi
2. Shri J.D. Aurora
Station Superintendent
Northern Railway, Delhi Sarai Rohilla .. Respondents

By Advocate Shri R.L. Dhawan

ORDER

Shri Justice S.C. Mathur

The applicant has alleged disobedience by the respondents of the Tribunal's order dated 14.8.92 passed in OA 795/92.

2. In the Original Application, the applicant had prayed for direction against the respondents to make payment of gratuity with interest. The claim of the applicant was rejected by the Administration on the ground that certain amounts were found to be outstanding against the applicant on account of unauthorised occupation of government quarter by him.

3. The Tribunal in its operative order directed as follows:

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"Having done that bit, it would be only just and fair that on the balance amount payable to the applicant interest at 10% should be paid from a date 3 months after the gratuity became due. The balance gratuity should be paid after adjustment of the dues as directed above early preferably within 4 months and simultaneously the applicant should vacate the quarter"

4. The applicant's grievance is that gratuity has not been paid to him. On behalf of the Administration, it was stated that the applicant has not vacated the above accommodation and therefore the direction regarding payment of gratuity and interest has not become operative. By order dated 31.3.95 of the Bench, the respondents were directed to file an affidavit specifically stating that the applicant has not yet vacated the accommodation. This order has been complied with and the affidavit dated 4.4.95 has been filed in which it has been stated that although the applicant retired from service on 31.10.83, he has not vacated the quarter. The applicant has not filed any rejoinder controverting the averment made in this affidavit. The operation of the order directing payment of gratuity has therefore not become operative. Thus it can not be said that the respondents have committed contempt of the Tribunal.

5. In view of the above, the contempt petition is dismissed but without any order as to costs. The notice is discharged.

P. J. 25
(P.T.Thiruvengadam)
Member(A)
18.4.1995

S. C. Mathur
(S.C. Mathur)
Chairman
18.4.1995

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