

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 21st day of December, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. TIWARI, A.M.

CCA No. 148 of 2004

in

O.A. No. 730 of 2004

Ram Adhar, aged about 66 years, son of Late Sri Gaya Prasad,
R/o Village and Post Jalalpur, Baberu, District Banda.

.....

.....Applicant.

Counsel for applicant : Sri B.N. Singh.

Versus

1. Smt. Neelam Srivastava, Post Master General, Kanpur Region, Kanpur.
2. Sri Dinesh Singh, Superintendent of Post Offices, Banda Division, Banda.....

O.Ps/Contemnor/Resps.

Counsel for respondents : Sri R. Sharma.

ORDER

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri B.N. Singh, learned counsel for applicant Sri S.N. Mishra holding brief of Sri R. Sharma, learned Counsel for respondents and perused the pleadings.

2. By order dated 15.7.2004, passed in O.A. No. 730/04 Ram Adhar Vs. Union of India & others, the Tribunal directed the 3rd Respondent to consider the representation filed by the applicant in respect of his retiral benefits and to ensure that in case any payments were to be paid to the applicant, the same would be paid to him within six weeks from the date of receipt of a copy of the order and in case Superintendent of Post Offices, Banda is not able to explain the delay as to why the payments were not made to the applicant, applicant ~~whulad~~ be given an interest on the delayed payments @ 9% from the date he retired till the payments were actually made. It was also provided that in case the 3rd Respondent came to the conclusion that the

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interest was not to be paid for any default of the applicant he must pass a detailed and reasoned order for that purpose and even if there was some impediment in the way of the applicant for not being paid the retiral benefits, the same would be communicated to the applicant within a period of 6 weeks. Counsel for the respondents has produced before us Memo No. LC/ST/XR-3/4/03/3(A) dated October 27, 2004 whereby the Post Master General has disposed of the representation filed by the applicant holding that the Superintendent of Post Offices, Banda was right in withholding the sanction of ex-gratia/ etc. till finalisation of O.A. No.553/2003. As regards the payment of interest, it has been held in the order that the applicant is not entitled to the interest due to the reason of 'unbecoming conduct and irregular acts on the part of the applicant'. We are not supposed to go into the ~~irregularity question of legality or otherwise~~ of order dated 27.10.2004. Remedy, if any is to challenge the legality of the said order by means of an Original Application. Since the representation of the applicant has been considered and disposed of, we are not inclined to pursue the contempt matter. The same is accordingly dismissed and the notices stands discharged. ^{✓ Counsel ✓} The respondent is directed to give a copy of the order dated 27.10.2004 to Shri B.N. Singh, counsel for the applicant today.



A.M.



V.C.

Asthana/