

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

**Contempt Petition No. 148 of 2005
In
Original Application No.461 of 2004.**

Allahabad, this the 10th day of November, 2008.

**Hon'ble Mr. A.K. Gaur, J.M.
Hon'ble Mrs. Manjulika Gautam, A.M.**

Baij Nath Pandey, Aged about 64 years, S/o Late
Baikuntha Narain Pandey, R/o 127/317 'W' Block,
Keshav Nagar, Kanpur.

.....Applicant

By Advocate : Sri H.S. Srivastava.

Versus

Sri J. Natrajan, Principal Controller of Defence
Accounts, (Central Command), Lucknow.

.....Respondent.

By Advocate : Shri S.Srivastava.

O R D E R

BY A.K. GAUR, MEMBER-J

We have heard Sri H.S. Srivastava, learned
counsel for the applicant and Sri Saurabh
Srivastava, learned counsel for respondent.

2. Learned counsel for the applicant invited our
attention to para 3 of the order dated 11.3.2005
passed by this Tribunal. The relevant portion of
Para 3 of the order is being reproduced below:

*".....I am, therefore, of the view that ends
of justice shall better be served if the O.A.
is disposed of with a direction to the
respondents to take appropriate decision in
respect of the applicant's claim as set out
hereinabove, in accordance with law within a
period of two months from the date of receipt
of copy of this order."*

3. The Tribunal has issued an innocuous direction
to the respondents to take appropriate decision in
respect of the applicant's claim in accordance with
law within a period of three months from the date of

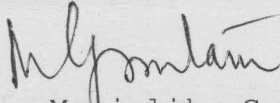
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receipt of copy of the order. It is admitted to the parties that the applicant's gratuity was withheld due to pendency of judicial proceedings and there was clear stipulation in the order that whatever amount is due to the applicant will be released by the respondents as per rules on exoneration. This Tribunal also directed that the competent authority shall take final decision in the matter as the applicant had already been acquitted in the criminal case.

4. The respondents have filed an affidavit of compliance on 28.7.2006. In para 14 of the said compliance report, the respondents submitted that the payment of arrears of pay and difference of subsistence allowance has been paid to the applicant to the tune of Rs. 33346/- vide cheque dated 16.5.2006. The learned counsel for the respondents invited our attention, that strict compliance of the order and directions of this Tribunal has already been done by the respondents. Sri H.S. Srivastava, learned counsel for the applicant would further contend that under Rules 68 of CCS (Pension) Rules interest of delayed payment on gratuity has not been paid to the applicant and as interest has not been paid, the respondents have committed willful disobedience of the order and direction of this Tribunal and they are liable to be punished for civil contempt. We have given our anxious thought to the pleas advanced by the parties' counsel and perused the judgment rendered by Hon'ble Supreme Court reported in 2006(1) SCC 613 in re. U.O.I and Ors. Vs. Subedar Debasis wherein the Hon'ble Supreme Court has clearly held that the Court sitting in contempt jurisdiction cannot traverse beyond the scope of the order passed in original side. Hence, no civil contempt is made out against the respondents.

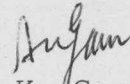
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5. Sri H.S. Srivastava, learned counsel for the applicant has vehemently urged that this Tribunal has already issued directions for payment under rules. According to Sri Srivastava the respondents have failed to consider the vital fact that the interest should have been given to him on the delayed payment of gratuity. We have carefully seen the order and in our considered view the order and directions given by this Tribunal has substantially been complied with by the respondents and there is no willful disobedience on the part of the respondents. The Contempt petition is dismissed. Notice issued to the respondent is hereby discharged. If the applicant is still aggrieved due to non-compliance of the order and directions of this Tribunal, he may approach for redressal of his grievance before the appropriate forum, if so advised.



{Mrs. Manjulika Gautam}
MEMBER-A

Girish/-



{A.K. Gaur}
MEMBER-J