

Central Administrative Tribunal, Allahabad Bench, Allahabad

This the 05th day of October, 2021.

Hon'ble Mr. Tarun Shridhar, Member (A)

Hon'ble Ms. Pratima K Gupta, Member (J)

Civil Contempt Petition No. 330/00067/2017

In

Original Application No. 330/1589/2013

1. Pravesh Kumar } sons of Late Bharat Singh
2. Ajay Kumar }

Both R/o village: Seth Pura, P.O. : Purkaji, District Muzaffar Nagar.

..... APPLICANTS

By Advocate: Shri Ashok Kumar Singh and Ms. Rekha Singh

Versus

1. Shri Boyapati. V. Sudhakar
Secretary, Department of Posts (Ministry of Communication), Dak-
Bhawan, Sansad Marg, New Delhi-110001.
2. Shri Veer Singh, Senior Superintendent of Post Offices, Muzaffar Nagar-
251001.
3. Shri R.K.B. Singh,
Assistant Director, Postal Services, O/o Post Master General, Bareilly-
243001.
4. Mr. Kaushalendra Kumar Sinha, Chief Post Master General, U.P. Circle,
Lucknow-226001.

..... RESPONDENTS.

By Advocate: Shri D.S. Shukla

ORDER

Delivered By Hon'ble Mr. Tarun Shridhar, Member (A)

Shri Ashok Kumar Singh, learned counsel for the petitioner and Shri D.S. Shukla, learned counsel for the respondents, are present.

2. Heard learned counsel for both the parties and perused the record.

3. The instant C.P. has been filed alleging non-compliance of the order of this Tribunal dated 30.08.2016 in O.A. No. 1589/2013. To appreciate the specific directions given by this Tribunal, the operative part of the said order is being reproduced below verbatim:

"Accordingly, O.A. is allowed. The deceased employee late Bharat Singh shall be treated as reinstated w.e.f. 07.10.1993 and the respondents are directed to pay his all the dues and other consequential benefits to the applicants within a period of three months from the date of receipt of this order otherwise the applicants shall also be entitled to get simple interest @ 9% per annum on the delayed payment from the date of order till actual payment is made. No order as to costs."

4. The affidavit of compliance has been placed on record.

5. Learned counsel for the respondents submits that the entire amount of leave encashment and death cum retirement gratuity and other such dues have been released to the applicant the details of which are given in para 6 of the compliance affidavit. To this extent, the learned counsel for the applicant express satisfaction. However, he points out that the pension has already been sanctioned but yet to be released in favour of the applicant and hence the order has only been complied with partially.

6. Learned counsel for the respondents clarifies that the delay in releasing the pension is on account of non availability of the succession certificate with the department. The matter with respect to the succession certificate is pending in the appropriate Civil Court, and as and when it is decided and a succession certificate is submitted, the pension shall be accordingly released in favour of the legal heirs of the deceased employee.

7. Learned counsel for the respondents has also produced a letter from the office of the Civil Judge to the Senior Superintendent Post Offices seeking information with respect to the interest calculation. Accordingly, it is evident that the concerned department is committed to the payment of the interest dues to the applicant.

8. Since the order has been substantially complied with and the pending dues have already been sanctioned and are in the process of being released after the issue of succession certificate, nothing sustains in this C.P., and it is accordingly closed. The notices also stand discharged. All the pending M.A.s are also disposed off as such.

10. Copy of the order be given to the learned counsel for both the parties in accordance with the rules.

(Pratima K. Gupta)
Member (J)

(Tarun Shridhar)
Member (A)

(Ritu Raj)