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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the day 6th Feb of 1995.

CIVIL CONTEMPT PETITION NO. 11 OF 1994.

IN

ORIGINAL APPLICATION NO. 1207 OF 1993.

Matthi Singh, S/o Sri Lala Ram,  
aged about 57 years,  
Ticket Collector, Working at Central Railway,  
Agra Cantt., Agra.

By Advocate Sri B. Tewari. .... Applicant.

Versus

1. V.K. Agarwal,  
D.R.M. Central Railway,  
Jhansi.

2. Manoj Kumar Pandey,  
Sr. D.P.O., Central Railway,  
Jhansi.

By Advocate Sri A.K. Gaur. .... Respondents.

CORAM: Hon'ble Mr. T.L. Verma, MEMBER (J).

Hon'ble Mr. K. Muthukumar, MEMBER (A)

O R D E R (RESERVED)

By Hon'ble Mr. K. Muthukumar, MEMBER (A).

1. The petitioner has alleged that the Contemner Respondents has committed Contempt of Court by the disobedience of the order of this Tribunal dated 24th August 1993 in O.A. no. 1270/93 and has accordingly prayed that the Contemner Respondents

A2  
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(11)

- 2 -

should be punished for the Contempt of Court. This petition is against the non compliance of the interim order passed by this Tribunal on 24th August 1993 in O.A. no. 1207/93. The said interim order reads as follows:-

" Meanwhile, it is directed that the respondents shall pay provisional pension to the applicant at the rate which according to the respondents he is payable. "

2. In the counter reply, Contemner Respondents has stated that the order dated 24th August 1993 had not been received by the respondents alongwith Notice and Application in O.A. no. 1207/93 and the respondents came to know ~~was~~ first ~~at the~~ time about the order when they received the letter dated 20.1.1994 from the counsel for the respondents and soon after, the respondents had taken action at once for payment of provisional pension ~~payment~~ order no. 123783 dated 22.2.1994 ~~advise~~ing payment of pension at the rate of Rs 750/- per month plus dearness amount payable through the P.N.B. Bharatpur Gate Branch Mathura in the account no. 8556 of the applicant and accordingly, the direction of the Tribunal had been complied with and there was no wilful disobedience at any stage.

3. The learned counsel for the applicant has submitted during the hearing that the Contemner Respondents had not paid so far the gratuity and,

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- 3 -

therefore, the order of the Tribunal had not been fully complied with and the counsel further submitted that in the light of the decision in Jarnail Singh Versus Secretary, Ministry of Home Affairs and others 1993 SCC (L&S) 119, It has been held that the pension includes gratuity in terms of the CCS Pension Rules 1972.

4. We have heard the learned counsel for the parties and perused the record.

5. We find that the Contemner Respondents have already paid the provisional pension as directed in the interim order of this Tribunal in O.A. no. 1207/93, and the decision in the case relied upon by the counsel for the applicant is not directly relevant here. The direction was to pay provisional pension which has been complied with by way of issue of a provisional pension order. Merely on the ground that conceptually the pension includes gratuity, it cannot be held that the Contemner Respondents have ~~been~~ deliberately disobeyed the direction of this Tribunal by issuing only a pension payment order. The respondents no doubt are liable to pay gratuity also, as a pensioner is entitled to receive his gratuity also separately. It is, however, open to the applicant to approach this Tribunal, in case such payment of gratuity has been denied by the respondents.

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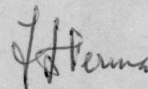
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(13)

6. In the light of the above discussions, we find that there is no wilful disobedience of the direction of this Tribunal and <sup>the petition</sup> is accordingly dismissed and notices are discharged. No order as to costs.



MEMBER (A)



MEMBER (J)

ALLAHABAD: DATED: 6-2-95

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