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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
A L L A H A B A D

Dated : Allahabad this the 23rd day of February, 1996.

CORAM : Hon. Mr. S. Das Gupta, Member-A
Hon. Mr. T. L. Verma, Member-J

CONTEMPT PETITION NO.14 of 1995.

IN

O.A.No. 1795 of 1993.

Chandra Shekhar s/o. late Ram Ratan,
Resident of M.I.G. 43. A.D.A. Colony,
Sulemsarai, P.S.Dhoomanganj, Allahabad
at present working as Deputy Production
Manager, Bharat Pumps and Compressors Ltd.,
Naini, Allahabad.Applicant.

(BY ADVOCATE SHRI R. C. GUPTA)

Versus

1. *x General Manager, viz. Shri S. Ramaswami,
Ordinance Factory, Kalpi Road, Kanpur U.P.
2. The Chairman/D.G.O.F.viz. Sri Jagdish Chandra,
Ordinance Factory Board, NO. 10-A, Auckland Road,
Calcutta-700001.

.....Opposite parties.

(BY ADVOCATE SHRI AMIT STHALEKAR)

O R D E R(Oral)

(By Hon'ble Mr. S. Das Gupta, Member-A)

This contempt application has been filed
alleging non-compliance with the direction contained
in this Tribunal's order dated 24.12.1993 by which the
O. A. No. 1795 of 1993 was disposed of in limine.

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2. In the aforesaid O.A. the applicant's grievance was that the pay drawn by him was on Rs. 700/- whereas he ^{pay} should have been shown as Rs. 725/- for the purposes of determination of his pension and also that the leave ~~of~~ ^{at} his credit has not been transferred from Ordnance Factory Kanpur to B. P. C. L. Limited, Allahabad which organisation he has joined subsequently. The application was disposed of in limine by a bench of this Tribunal with a direction that the respondents ^{shall} consider the applicant's representation in this regard and inform the applicant of the action taken.

3. The applicant has stated that the aforesaid order was communicated to the respondents on 23.1.1994 but despite this, the respondents have not considered the direction issued by this Tribunal and have thus committed the contempt of Court.

4. The respondents have filed a counter-affidavit in which it was stated that they have complied with the direction of the Tribunal by disposing of the aforesaid representation of the applicant and also sending a bill for Rs. 4242/- representing the ^{encashment} leave of the applicant for 120 days to the Controller of Defence Accounts (Factories), Calcutta and also sending a revised L.P. C. to the Controller of Defence Accounts (Pension), Allahabad for calculation of prorata pension/Gratuity on revised rate of pay Rs. 725/-. The respondents have admitted that there has been delay in complying with the order but, they have explained that the delay was due to the fact that for disposal of the matter, consultation was made with various authorities and the delay was neither intentional nor deliberate. The respondents have also filed a supplementary

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counter-affidavit from which it is clear that the payment of Rs. 4916/- representing the leaves salary has already been made to the applicant.

5. The applicant has not filed any supplementary-rejoinder affidavit to rebut the averments of the respondents made in the supplementary-counter-affidavit. We are, therefore, satisfied that the compliance of the Tribunal's order has been made by the respondents. Though, there has been some delay in complying with the same, There is nothing on record to indicate that the delay was intentional or deliberate.

6. In view of the fore-going the contempt application is dismissed. Notices issued to the respondents are discharged.


Member-J


Member-A

Dated : Allahabad 23rd Feb.1996.

(Pandey)