

12-7-96

Hon'ble Mr. Justice B.C. Saksena, V.C.

Hon'ble Mr. S. Das Gupta, A.M.

We have heard learned counsel for the parties. The applicant had filed OA No.699/94 for issuing a direction to the respondents to make payment of balance amount of DCRG. The husband of the applicant retired on 30-6-1976. However, before his retirement benefits could be finalised he died on 4-2-1989. His widow, the present applicant filed the aforesaid OA seeking a direction to the respondents to make payment of the balance amount of DCRG which had been passed by the Divisional Office. The said OA was finally disposed of on 18-5-7-1994 and the respondents were directed to dispose of the representation filed by the applicant to make payment of the balance amount by a reasoned and speaking order within three months from the date of service of the order. In the counter affidavit a copy of the order passed by the authority dated 26-4-1995 has been annexed. This order has been passed earlier to the final order in the OA itself and the balance amount of Rs.1479/- was directed to be paid. However, the payment was not made but through ~~the~~ letter dated 1-5-1995 ^{it} has been indicated that the pay order which was issued earlier had been misplaced and payment was made of the balance amount to the petitioner subsequently.

2. Since the direction in the order passed was only to decide the representation and the representation has been decided and also the balance payment has been paid, we are not satisfied that the respondents are guilty of wilful disobedience of the order.

3. Learned counsel for the applicant submitted that ^{interest on} the said amount has now been paid. That was not the subject matter of the order passed in the OA. It cannot be adjudicated in the contempt petition. The contempt petition lacks merit and is accordingly dismissed. Notices issued are discharged.

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Member (A)B.C. Saksena
Vice Chairman

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