

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 30th day of March 2001.

Contempt Application no. 62 of 1999 in  
Original Application no. 361 of 1995

Hon'ble Mr. S.K.I. Naqvi, Member-J  
Hon'ble Maj Gen KK Srivastava, Member-A.

Raj Bahadur Gupta,  
S/o late Sri J.C. Gupta,  
R/o 99/2, Lukerganj,  
ALLAHABAD.

... Applicant

C/A Shri K.P. Singh

Versus

1. Maj Gen SS Puri,  
Chief Engineer, Eastern Command,  
Fort William,  
CALCUTTA.
2. Sri R.K. Gupta, Dy. Controller of  
Defence Accounts, Office of the  
Joint CDA, Funds,  
MEERUT CANTT.
3. Sri Samay Singh, Dy. Controller of  
Defence Accounts, Office of the Joint  
CDA, Funds,  
MEERUT CANTT.
4. Sri S.S. Sawadi, Chief Controller of  
Defence Accounts (Pension) Dropadighat,  
ALLAHABAD.
5. Maj IC Joshi, Garrison Engineer,  
(I), Air Force, P.O. Chabua Air Force,  
(ASSAM).

... Respondents

C/Rs. Sri S.C. Tripathi

*Sach*

...2/-

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O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

The petitioner, in this contempt matter, has a grievance that the direction rendered by this Tribunal in O.A. no. 361 of 1995 have not been complied with and the respondents have thereby deliberately defied the court's order and committed contempt.

2. Through their pleadings in these contempt proceedings the respondents assert that the directions of the Tribunal as contained in para 8 of the order in connected OA have been fully complied and there is not case of contempt.

3. We have heard learned counsel for the rival contesting parties and perused the records.

4. Looking <sup>in</sup> ~~at~~ <sup>into</sup> the background of the facts which gave rise to these proceedings, we find that the applicant had a grievance that his retiral benefits were not settled and unauthorised deductions <sup>a being</sup> were ~~been~~ made by way of recovery. The orders ~~of~~ <sup>for</sup> recovering the amount ~~in the~~ <sup>in</sup> OA were set aside ~~in the~~ <sup>in</sup> OA mainly on the ground that the amount were ~~been~~ recovered without show cause notice and a calander chart was provided in the operative para of the order (Para 8) requiring the respondents to serve show cause notice

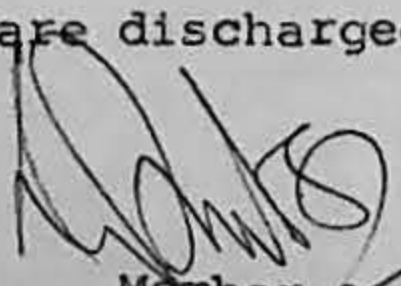
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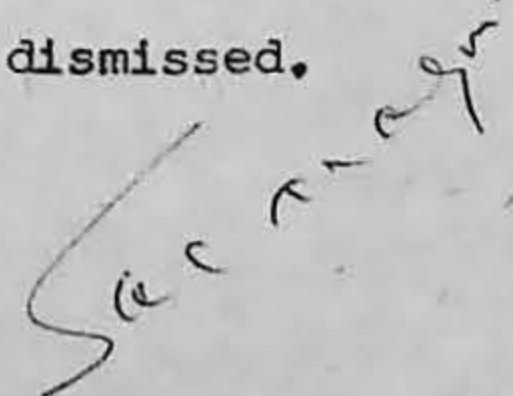


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on the applicant within one month from the date of communication a copy of <sup>the</sup> this order and the applicant shall give the reply within one month from the date of receipt of the notice and shall have further one month time for passing self speaking order. The respondents were further directed to inform the applicant within a period of three months from the date of receipt of copy of <sup>the</sup> this order regarding accuracy of calculation of commutation pension in ~~case of the applicant~~ and the calculation of any interest on the amount to be paid to the applicant shall be from 01.12.92.

5. We find, that as per direction contained in the connected OA, the respondents processed the matter and finally <sup>upheld</sup> ~~upheld~~ the position of recovery. The petitioner here has a grievance that when the order of recovery has been set aside that decision cannot again be revived. We do not agree with this contention and find that there is not finding, absolutely, restraining the respondents from making recovery in question, but the direction was there to pass order after serving show cause notice. If the petitioner has any grievance against the order passed upholding the recovery that gives rise <sup>to</sup> a fresh cause of action which can only be redressed on original side. The present contempt petition is dismissed. Notices issued are discharged.

  
Member-A

  
Member-J