

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 20th day of MAY 2003

Contempt Application no. 18 of 2002

in

Original Application no. 972 of 1994.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman  
Hon'ble Maj Gen K.K. Srivastava, Administrative Member.

Jai Bhagwan Ravi, S/o Late Shri J.P. Jain,  
R/o 104/10, J.K. Colony, Jaiman,  
KANPUR.

... Applicant

By Adv : Sri R. Verma

VERSUS

1. Lt. General Hari Unial,  
Engineer-in-Chief,  
Engineer-in-Chief's Branch,  
Army Headquarters, Kashmir House,  
DHQ Post Office,  
NEW DELHI.
2. Major General J.D.S. Bedi,  
Chief Engineer, Northern Command,  
C/o 56 APO.

... Respondents

By Adv : Km Sadhna Srivastava

ORDER

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

In this contempt application, the grievance of the applicant was regarding non-compliance of the order of this Tribunal dated 2.5.2001 passed in OA no. 972 of 1994. The direction was given as under :-

"Having examined relevant facts and circumstances, we are of the opinion that the referred law is fully applicable to the present case and, therefore, the impugned order (Annexure A-1) stands quashed with consequential benefits to be provided within six months

....2/-

from the date of presentation of a copy of this order. Since, by now, the applicant has attained the age of superannuation on 31.7.1997, it will not serve any purpose if the matter is remanded with any direction to regularise the irregularly passed order. The O.A. is allowed accordingly. There shall be no order as to costs."

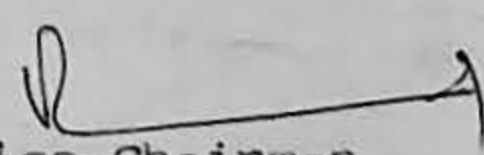
2. Counter Affidavit, Rejoinder affidavit, Suppl. Counter Affidavit and Suppl. Rejoinder Affidavit have been exchanged between the parties. Both the counsel have shown <sup>a conciliatory approach</sup> ~~a consolidated~~ and have sorted out the difference. The cheque for the amount of Rs. 299483/- has been <sup>given</sup> ~~paid~~ to the applicant before the Court and the certificate for non employment given by him on 20.12.2002 is found to be in order and it satisfied<sup>^</sup> requirement of Rule 54 (A) Sub Rule 5 of Fundamental Rules.

3. Learned counsel for the applicant raised certain grievances with regard to <sup>other</sup> ~~amount~~ <sup>be</sup> of payment which in our opinion are not required to <sup>be</sup> ~~delth~~ with in these proceedings. We leave it open to him to file representation before the competent authority for making remaining payment and for any adjustment for the amount paid or not paid with regard to his dues. So far as the pension is concerned the applicant has signed requisite papers in the Court and the learned counsel for the respondents has assured that the formalities regarding sanction of pension shall be completed very soon.

4. In view of the aforesaid submission<sup>^</sup> and assurance<sup>^</sup> given by learned counsel for the respondents and as the order has been partially complied with, we do not find any good ground to proceed with this contempt application. The contempt proceedings are closed, notices issued are discharged.

5. There shall be no order as to costs.

  
Member (A)

  
Vice-Chairman